



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 07 अक्तूबर, 2021 / 15 आश्विन, 1943

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

*Dated, the 31st August, 2021*

**No. Shram (A) 6-2/2020 (Awards) Dharamshala.**—In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding

Officer, Labour Court, Dharamshala on the website of the Department of Labour & Employment Government of Himachal Pradesh.

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award/Order
1.	279/16	Ishwar Singh	Registrar, Dr. Y.S. Parmar University	05-07-2021
2.	281/16	Suresh Kumar	-do-	05-07-2021
3.	282/16	Mohinder Singh	-do-	05-07-2021
4.	108/20	Manish Kumar	M.D. M/s Canvas Integrated Cold	10-07-2021
5.	19/20	Baldev	D.F.O. Churah, Distt. Chamba, H.P.	10-07-2021
6.	334/16	Munshi Ram	E. E. I&PH Chamba	14-07-2021
7.	153/19	Lala Ram	S.E. HPPWD, Bilaspur & another	16-07-2021
8.	14/20	Prem Lal	D.F.O. Bilaspur	16-07-2021
9.	89/17	Hem Raj	D.F.O. Suket, Distt. Mandi, H.P.	23-07-2021
10.	123/17	Bodh Raj	-do-	23-07-2021
11.	90/17	Narender Kumar	-do-	23-07-2021
12.	285/16	Ghanshyam	D.F.O. Suket	26-07-2021

By order,

R. D. DHIMAN, IAS  
Addl. Chief Secretary (Lab. & Emp.).

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 279/2016

Date of Institution : 04-5-2016

Date of Decision : 05-07-2021

Shri Ishwar Singh s/o Shri Harnam Singh, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No. 2, District Bilaspur, H.P.

*Versus*

1. The Registrar, Dr. Y.S. Parmar University of Horticulture & Forestry, Nauni, District Solan, H.P.

2. The Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P. .*Respondents.*

### **Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Rajat Chaudhary, Adv. Vice

For the Respondent(s) : Sh. Mukul Vaid, Adv. Vice

### **AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether the demand of Shri Ishwar Singh s/o Shri Harnam Singh, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No. 2, District Bilaspur, H.P. regarding regularization of his daily wages services after completion of 8 years continuous service *w.e.f.* 01-01-2013 as per Government Policy to be fulfilled by (i) the Registrar, Dr. Y.S. Parmar, University of Horticulture & Forestry, Nauni, District Solan, H.P., (ii) The Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P., is legal and justified? If yes, to what relief, service benefits above workman is entitled to from the above employers?”

2. After that, a corrigendum reference dated 14th February, 2017 has been received from the appropriate Government, which reads thus:

“In partial modification of this Department’s Notification of even number dated 18-04-2016, the name of employer number (ii) may be read as, “the Dean, College of Horticulture and Forestry Neri, District Hamirpur, H.P.” instead of, “the Director, Regional Horticulture and Forestry Research Station Bhota, District Hamirpur, H.P.”, which was inadvertently recorded in the said notification”.

3. The case of the petitioner as it merges from the statement of claim is that he had regularly worked as a daily waged beldar with respondent No. 2 under the control and supervision of respondent No. 1 *w.e.f.* 3-4-2000 at Neri (Bhota). His services had been reinstated along-with seniority and continuity in service as per the Award passed by this Court as well as the orders of the Hon’ble High Court of Himachal Pradesh. The respondents had granted seniority to the petitioner *w.e.f.* 14-11-2005, so he was to be regularized *w.e.f.* 1-1-2013. However, his services had been regularized by the respondents on and *w.e.f.* 31-10-2015. He be ordered to be reinstated on and *w.e.f.* 1-1-2013. Hence the petition.

4. On notice, the respondents appeared. They filed a joint detailed reply controverting the averments made in the petition/statement of claim. The contents of the petition were denied on merits. It is asserted that as per Award dated 24-8-2012 passed in Reference No.152/2012 by this Court, the petitioner was entitled to seniority and continuity in service from the date of his illegal termination *i.e.* 14-11-2005, without

back wages. The Award was challenged by the respondents before the Hon'ble High Court of Himachal Pradesh in Civil Writ Petition No.8939 of 21012-D. It was disposed of on 17-10-2012. Thereafter the petitioner's case had been sent to the Additional Chief Secretary (Hort.) to the Government of Himachal Pradesh and that approval for re-engaging the petitioner was granted by the Government on 18-6-2004. The petitioner was accordingly re-engaged *w.e.f.* 14-11-2005 *vide* letter dated 7-5-2013. His seniority was also determined from the aforesaid date at serial No. 8 in the tentative seniority list of daily waged workers *vide* memorandum dated 1-10-2014. The services of the petitioner along-with his seniors were regularized *vide* office order dated 29-10-2015, as per the instructions dated 7-5-2015 of the Government and as per the approval accorded by the Finance Committee and the Board of Management of the university in the meeting held on 8-10-2015. It is specifically denied that the petitioner was to be regularized in service on and *w.e.f.* 1-1-2013. Hence, it is prayed that the petition be dismissed.

5. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

6. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 01-8-2018:

1. Whether demand of petitioner regarding regularization of daily wages services to be fulfilled by respondents is/was legal and justified as alleged? . . .*OPP.*
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .*OPP.*

Relief.

7. Thereafter, parties to the lis were directed to adduce evidence in support of the issues so framed.

8. Arguments of the learned vice counsel for the petitioner and the learned counsel for the respondents heard and records gone through.

9. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: No
Issue No. 2	: Negative
Relief	: Petition dismissed per operative of the Award

### REASONS FOR FINDINGS

*Issues No.1 and 2 :*

10. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

11. The petitioner, namely, Shri Ishwar Singh examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated

the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are Ex.PW1/B to Ex.PW1/I.

In the cross-examination, he stated that he was appointed on 3-4-2000. He admitted that he had given a demand notice. He also admitted that earlier he had filed a petition for his reinstatement. Further, he admitted that it was decided in his favour. He also clearly admitted that he was granted the seniority from 14-11-2005 and that he was regularized in service on 31-10-2015.

12. Conversely, Shri P.C. Sharma, Dean the then Director, Institute of Biotechnology and Environmental Sciences, Dr. Y.S. Parmar University of Horticulture and Forestry (respondent No. 1) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by the respondents.

In the cross-examination, he admitted that the petitioner was ordered to be re-engaged as per the order passed by this Court in the year 2012. He also admitted that as per the directions of this Court, the petitioner had been granted the seniority. Further, he admitted that the petitioner was regularized in service on 31-10-2015. Thereafter stated, on 29-10-2015. He was not aware that as per which policy the petitioner was regularized in service. He feigned ignorance that the petitioner was to be regularized in service on 1-1-2013 after eight years of service, as per the policy.

13. The respondents also examined one Shri Vishal Sood, Executive Engineer, College of Horticulture and Forestry as RW2. He filed document *i.e.* copy of notification regarding regularization of daily waged workers dated 7-5-2015. In the cross-examination, he stated that he has been authorized by Dean, College of Horticulture and Forestry, Neri to submit the record.

14. Ex. RW2/A is the copy of letter/order dated 7th May, 2015 regarding regularization of daily waged workers/contingent paid workers.

15. Indisputably, the services of the petitioner were terminated in the first instance *w.e.f.* 21-3-2002 to 29-6-2004 and finally *w.e.f.* 14-11-2005 by the respondents. There is no denial of the fact that an Award dated 24-8-2012 was passed by this Court in Reference No.152/2012, copy of which is Ex.PW1/C on record, whereby while setting aside the termination order(s) the petitioner was directed to be reinstated with seniority and continuity in service from the date of his illegal termination *i.e.* 14-11-2005, except for the back wages. The parties are not at variance that being aggrieved of the order of re-engagement, the respondents had preferred a Civil Writ Petition before the Hon'ble High Court of Himachal Pradesh. The said writ petition had been registered as CWP No.8939 of 2012-D. It is not disputed that the said writ petition was disposed of by the Hon'ble High Court whereby the Award passed by this Court was upheld and the findings that the disengagement of the petitioner-workman was violative of the provisions of Section 25-G of the Act were affirmed.

16. As is apparent from the record, the Government of Himachal Pradesh had approved to re-engage the petitioner along-with others in compliance of the Award passed by this Court and the directions issued by the Hon'ble High Court of Himachal Pradesh in above-mentioned Civil Writ Petition. Reference in this regard can be made to the copy of letter dated February 18, 2013 placed on record as Ex.PW1/E. It is also evident from the letter dated May 7, 2013 addressed by respondent No. 1 to the Director,

Institute of Biotechnology and Environment Science, Neri, District Hamirpur (H.P.), copy of which is Ex.PW1/F on the file, that in compliance of the directions of the Hon'ble High Court of H.P. and the further approval of the State Government of Himachal Pradesh, the petitioner was asked to be re-engaged along-with others as a daily paid labourer after completing all the codal formalities.

17. It appears from the testimony of Shri P.C. Sharma (RW1) that as per the Award passed by the Court, the petitioner was granted the seniority. As per office memorandum issued by respondent No. 1 on October 1, 2014, copy of which is Ex.PW1/G, tentative seniority list of daily waged workers of the university, as it stood on 31-12-2013 was prepared. It's copy is there on the file as Ex.PW1/H. In this tentative seniority list the name of the petitioner figures at serial No.8.

18. Admittedly, the petitioner has been regularized to the post of peon in the Department of Plant Pathology of the University against the vacant post of peon under the scheme HPL-079-04. It is the own admitted case of the petitioner that he was regularized on and *w.e.f.* 31-10-2015. Sh. P.C. Sharma (RW1) while under cross-examination was also categorical that the petitioner had been regularized on 31-10-2015.

19. The only grievance of the petitioner is that he ought to have been regularized on January 1, 2013 as per the scheme announced by the State of Himachal Pradesh from time to time. It is the specific case of the respondents that the petitioner had been regularized in accordance with the instructions contained in order dated 7-5-2015 of the Government of Himachal Pradesh. At this stage it is apt to make a reference to such order of the Government. It read as follows:

“Norms/Principles regarding regularization of Daily Waged/Contingent Paid Workers.

- (i) Daily waged/contingent paid workers who have completed 7 years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 may be considered for regularization against the available vacancies in various Departments and the terms & conditions for such regularization shall be governed as per Annexure-‘A’.
- (ii) No new post of any category will be created.
- (iii) After regularization, the original post of the concerned daily wagger/contingent paid workers shall be abolished.
- (iv) The regularization will depend subject to availability of budget allocated to the department concerned for that year.
- (v) Since no new post is to be created, therefore, no additional fund/budget will be demanded.
- (vi) 7 years of continuous service is only an eligibility criteria and regularization shall be only from prospective effect *i.e.* after the date, the orders of regularization is issued after completion of codal formalities.
- (vii) The daily waged/contingent paid workers being considered for such regularization shall possess minimum educational qualification as prescribed

in the Recruitment & Promotion Rules of such post at the time of initial engagement. However, the educational qualification will be relaxed, if required.

- (viii) In case of a daily waged/contingent paid workers, who has worked for less than 7 years on higher wages, on a higher pay scale post, he/she will be considered for regularization by combining the service both in the lower scale post and higher scale post but shall be regularized on a lower post because for regularization on a higher post, 7 years complete daily wage/contingent paid service on the higher pay scale post shall be essential.
- (ix) The daily waged/contingent paid workers may be regularized against the posts/vacancies of relevant categories purely on seniority basis subject to rejection being unfit and by doing so in case any roster point for reserved/feeder category remains under utilized, these shall be made good in future recruitments by filling up the backlog first.
- (x) Such daily waged/contingent paid workers, who were within the age limit prescribed for direct recruitment at the time of engagement on daily wages/contingent paid basis, may be given relaxation in age limit while regularizing their services, if they have crossed the maximum age limit as prescribed in the Recruitment and Promotion Rules.
- (xi) Such daily waged/contingent paid workers, who have been engaged without being sponsored by the Employment Exchange, may be given relaxation while regularizing their services.
- (xii) The Department(s) are not required to make prior consultation with the H.P. Public Service Commission for regularization of services in case of those posts which fall within the purview of the H.P. Public Service Commission.
- (xiii) The seniority of the daily waged/contingent paid workers as are regularized under this policy vis-a-vis employee appointed on regular basis shall be determined on the date of issue of these policy instructions. The *inter-se* seniority of such daily waged/contingent paid workers shall be determined in accordance with order of regularization of such daily waged/contingent paid worker based on seniority as daily waged/contingent paid worker.
- (xiv) There shall be no resultant vacancy by way of such regularization because such vacancies shall be abolished.
- (xv) If the vacant post is not available, the regularization may be done against available analogous Class-IV posts having identical pay band".

20. Learned counsel for the respondents submitted that as per the scheme, the petitioner had been regularized and since the scheme only permits regularization *w.e.f.* the date of regularization, the petitioner is not entitled to the relief as claimed for by him in the present case.

21. This argument of the learned counsel for the respondents holds good to me for the reason that the aforesaid scheme announced by the Government clearly

provided that daily waged workers/contingent paid workers who had completed seven years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 were to be considered for regularization against available vacancies in the department and that seven years of continuous service was only an eligibility criteria and the regularization was to be only from the prospective effect i.e. after the date the order of regularization was issued after completion of all the codal formalities. In the case on hand, as is evident from the office order dated 29-10-2015, copy of which is placed on record Ex.PW1/I, the services of the petitioner along-with seven others had been regularized to the post of peon/beldar in the university from the date(s) they reported for duty in the respective departments/offices/outstations as shown against them. In the above circumstances, as the scheme under which the petitioner along-with seven others had been regularized in the university, clearly provided that the regularization was to take effect from the prospective effect i.e. after the date the order of regularization was issued and after the completion of codal formalities, it does not lie in the mouth of the petitioner to say that he ought to have been regularized *w.e.f.* January 1, 2013. It appears me to that after the date of order of regularization i.e. 29-10-2015, the petitioner had rightly been regularized in the university on and *w.e.f.* 31-10-2015, after completion of all the codal formalities.

22. In all fairness, the learned vice counsel for the petitioner has placed reliance upon the judgment of our own Hon'ble High Court passed in CWP No.4999 of 2010 titled as Som Nath vs. State of H.P. & Ors. on 25-8-2010. It's copy has been placed on record by the petitioner as Ex.PW1/B. I have carefully gone through the aforesaid judgment relied upon by the learned vice counsel for the petitioner and I am of the view that the same is not applicable to the facts and circumstances of this case. In that case the grievance of the workers was that before regularization, they ought to have been granted the work-charged status. In the case on hand, the petitioner has not claimed any such work-charged status. Then, orders of the Government dated 3-4-2000 and 6-5-2000 were in issue in that case, whereas in the instant case the petitioner along-with seven others have been regularized in service as per the subsequent scheme dated 7th May, 2015 announced by the State.

23. Such being the situation, I have no hesitation to conclude that the services of the petitioner had rightly been regularized in the university on the basis of the scheme announced by the Government on 7th May, 2015, on and *w.e.f.* 31-10-2015, after completion of all the codal formalities. The claim of petitioner is not maintainable. The petitioner is not entitled to any relief.

24. Issues No. 1 and 2 are accordingly answered in the negative and decided against the petitioner.

*Relief:*

25. In the light of what has been discussed hereinabove, while recording the findings on issues *supra*, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.



Announced in the open Court today this 30th day of June, 2021.

Sd/-  
(YOGESH JASWAL),  
Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 281/2016  
Date of Institution : 04-5-2016  
Date of Decision : 05-07-2021

Shri Suresh Kumar s/o Shri Tek Chand, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No.2, District Bilaspur, H.P. . .Petitioner.

*Versus*

1. The Registrar, Dr. Y.S. Parmar University of Horticulture & Forestry, Nauni, District Solan, H.P.

2. The Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P. . .Respondents.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Rajat Chaudhary, Adv. Vice

For the Respondent(s) : Sh. Mukul Vaid, Adv. Vice

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether the demand of Shri Suresh Kumar s/o Shri Tek Chand, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No. 2, District Bilaspur, H.P. regarding regularization of his daily wages services after completion of 8 years continuous service *w.e.f.* 01-01-2013 as per Government Policy to be fulfilled by (i) the Registrar, Dr. Y.S. Parmar, University of Horticulture & Forestry, Nauni, District Solan, H.P., (ii) the Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P., is legal and justified? If yes, to what relief, service benefits above workman is entitled to from the above employers?”

2. After that, a corrigendum reference dated 14th February, 2017 has been received from the appropriate Government, which reads thus:

“In partial modification of this Department’s Notification of even number dated 18-04-2016, the name of employer number (ii) may be read as, “the Dean, College of Horticulture and Forestry Neri, District Hamirpur, H.P.” instead of, “the Director, Regional Horticulture and Forestry Research Station Bhota, District Hamirpur, H.P.”, which was inadvertently recorded in the said notification”.

3. The case of the petitioner as it merges from the statement of claim is that he had regularly worked as a daily waged beldar with respondent No. 2 under the control and supervision of respondent No. 1 *w.e.f.* 3-4-2000 at Neri (Bhota). His services had been reinstated along-with seniority and continuity in service as per the Award passed by this Court as well as the orders of the Hon’ble High Court of Himachal Pradesh. The respondents had granted seniority to the petitioner *w.e.f.* 1-1-2005, so he was to be regularized *w.e.f.* 1-1-2013. However, his services had been regularized by the respondents on and *w.e.f.* 31-10-2015. He be ordered to be reinstated on and *w.e.f.* 1-1-2013. Hence the petition.

4. On notice, the respondents appeared. They filed a joint detailed reply controverting the averments made in the petition/statement of claim. The contents of the petition were denied on merits. It is asserted that as per Award dated 24-8-2012 passed in Reference No.155/2012 by this Court, the petitioner was entitled to seniority and continuity in service from the date of his illegal termination *i.e.* 1-1-2005, without back wages. The Award was challenged by the respondents before the Hon’ble High Court of Himachal Pradesh in Civil Writ Petition No.8936 of 21012-D. It was disposed of on 17-10-2012. Thereafter the petitioner’s case had been sent to the Additional Chief Secretary (Hort.) to the Government of Himachal Pradesh and that approval for re-engaging the petitioner was granted by the Government on 18-6-2004. The petitioner was accordingly re-engaged *w.e.f.* 1-1-2005 *vide* letter dated 7-5-2013. His seniority was also determined from the aforesaid date at serial No. 6 in the tentative seniority list of daily waged workers *vide* memorandum dated 1-10-2014. The services of the petitioner along-with his three seniors were regularized *vide* office order dated 29-10-2015, as per the instructions dated 7-5-2015 of the Government and as per the approval accorded by the Finance Committee and the Board of Management of the university in the meeting held on 8-10-2015. It is specifically denied that the petitioner was to be regularized in service on and *w.e.f.* 1-1-2013. Hence, it is prayed that the petition be dismissed.

5. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

6. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 01-8-2018:

1. Whether demand of petitioner regarding regularization of daily wages services to be fulfilled by respondents is/was legal and justified as alleged?  
..OPP.
2. If issue No.1 is proved in affirmative to what service benefits the petitioner is entitled to?  
..OPP.

Relief.

7. Thereafter, parties to the lis were directed to adduce evidence in support of the issues so framed.

8. Arguments of the learned vice counsel for the petitioner and the learned counsel for the respondents heard and records gone through.

9. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1 : No

Issue No. 2 : Negative

Relief : Petition dismissed per operative of the Award

### REASONS FOR FINDINGS

*Issues No.1 and 2 :*

10. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

11. The petitioner, namely, Shri Suresh Kumar examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are Ex.PW1/B to Ex.PW1/I.

In the cross-examination, he stated that he was appointed on 3-4-2000. He admitted that he had given a demand notice. He also admitted that earlier he had filed a petition for his reinstatement. Further, he admitted that it was decided in his favour. He also clearly admitted that he was granted the seniority from 1-1-2005 and that he was regularized in service on 31-10-2015.

12. Conversely, Shri P.C. Sharma, Dean the then Director, Institute of Biotechnology and Environmental Sciences, Dr. Y.S. Parmar University of Horticulture and Forestry (respondent No. 1) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by the respondents.

In the cross-examination, he admitted that the petitioner was ordered to be re-engaged as per the order passed by this Court in the year 2012. He also admitted that as per the directions of this Court, the petitioner had been granted seniority. Further, he admitted that the petitioner was regularized in service on 31-10-2015. Thereafter stated, on 29-10-2015. He was not aware that as per which policy the petitioner was regularized in service. He feigned ignorance that the petitioner was to be regularized in service on 1-1-2013 after eight years of service, as per the policy.

13. The respondents also examined one Shri Vishal Sood, Executive Engineer, College of Horticulture and Forestry as RW2. He filed document *i.e.* copy of notification

regarding regularization of daily waged workers dated 7-5-2015. In the cross-examination, he stated that he has been authorized by Dean, College of Horticulture and Forestry, Neri to submit the record.

14. Ex. RW2/A is the copy of letter/order dated 7th May, 2015 regarding regularization of daily waged workers/contingent paid workers.

15. Indisputably, the services of the petitioner were terminated in the first instance *w.e.f.* 21-3-2002 to 3-10-2004 and finally *w.e.f.* 1-1-2005 by the respondents. There is no denial of the fact that an Award dated 24-8-2012 was passed by this Court in Reference No.155/2012, copy of which is Ex.PW1/C on record, whereby while setting aside the termination order(s) the petitioner was directed to be reinstated with seniority and continuity in service from the date of his illegal termination *i.e.* 1-1-2005, except for the back wages. The parties are not at variance that being aggrieved of the order of re-engagement, the respondents had preferred a Civil Writ Petition before the Hon'ble High Court of Himachal Pradesh. The said writ petition had been registered as CWP No.8936 of 2012-D. It is not disputed that the said writ petition was disposed of by the Hon'ble High Court whereby the Award passed by this Court was upheld and the findings that the disengagement of the petitioner-workman was violative of the provisions of Section 25-G of the Act were affirmed.

16. As is apparent from the record, the Government of Himachal Pradesh had approved to re-engage the petitioner along-with others in compliance of the Award passed by this Court and the directions issued by the Hon'ble High Court of Himachal Pradesh in above-mentioned Civil Writ Petition. Reference in this regard can be made to the copy of letter dated February 18, 2013 placed on record as Ex.PW1/E. It is also evident from the letter dated May 7, 2013 addressed by respondent No. 1 to the Director, Institute of Biotechnology and Environment Science, Neri, District Hamirpur (H.P.), copy of which is Ex.PW1/F on the file, that in compliance of the directions of the Hon'ble High Court of H.P. and the further approval of the State Government of Himachal Pradesh, the petitioner was asked to be re-engaged along-with others as a daily paid labourer after completing all the codal formalities.

17. It appears from the testimony of Shri P.C. Sharma (RW1) that as per the Award passed by the Court, the petitioner was granted the seniority. As per office memorandum issued by respondent No. 1 on October 1, 2014, copy of which is Ex.PW1/G, tentative seniority list of daily waged workers of the university, as it stood on 31-12-2013 was prepared. It's copy is there on the file as Ex.PW1/H. In this tentative seniority list the name of the petitioner figures at serial No. 6.

18. Admittedly, the petitioner has been regularized to the post of peon in the College of Horticulture & Forestry, Neri (Hamirpur) against the vacant post of peon under the scheme HPL-056-62. It is the own admitted case of the petitioner that he was regularized on and *w.e.f.* 31-10-2015. Sh. P.C. Sharma (RW1) while under cross-examination was also categorical that the petitioner had been regularized on 31-10-2015.

19. The only grievance of the petitioner is that he ought to have been regularized on January 1, 2013 as per the scheme announced by the State of Himachal Pradesh from time to time. It is the specific case of the respondents that the petitioner had been regularized in accordance with the instructions contained in order dated 7-5-2015 of the Government of Himachal Pradesh. At this stage it is apt to make a reference to such order of the Government. It read as follows:

“Norms/Principles regarding regularization of Daily Waged/Contingent Paid Workers.

- (i) Daily waged/contingent paid workers who have completed 7 years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 may be considered for regularization against the available vacancies in various Departments and the terms & conditions for such regularization shall be governed as per Annexure-‘A’.
- (ii) No new post of any category will be created
- (iii) After regularization, the original post of the concerned daily wagger/contingent paid workers shall be abolished.
- (iv) The regularization will depend subject to availability of budget allocated to the department concerned for that year.
- (v) Since no new post is to be created, therefore, no additional fund/budget will be demanded.
- (vi) 7 years of continuous service is only an eligibility criteria and regularization shall be only from prospective effect *i.e.* after the date, the orders of regularization is issued after completion of codal formalities.
- (vii) The daily waged/contingent paid workers being considered for such regularization shall possess minimum educational qualification as prescribed in the Recruitment & Promotion Rules of such post at the time of initial engagement. However, the educational qualification will be relaxed, if required.
- (viii) In case of a daily waged/contingent paid workers, who has worked for less than 7 years on higher wages, on a higher pay scale post, he/she will be considered for regularization by combining the service both in the lower scale post and higher scale post but shall be regularized on a lower post because for regularization on a higher post, 7 years complete daily wage/contingent paid service on the higher pay scale post shall be essential.
- (ix) The daily waged/contingent paid workers may be regularized against the posts/vacancies of relevant categories purely on seniority basis subject to rejection being unfit and by doing so in case any roster point for reserved/feeder category remains under utilized, these shall be made good in future recruitments by filling up the backlog first.
- (x) Such daily waged/contingent paid workers, who were within the age limit prescribed for direct recruitment at the time of engagement on daily wages/contingent paid basis, may be given relaxation in age limit while regularizing their services, if they have crossed the maximum age limit as prescribed in the Recruitment and Promotion Rules.
- (xi) Such daily waged/contingent paid workers, who have been engaged without being sponsored by the Employment Exchange, may be given relaxation while regularizing their services.

- (xii) The Department(s) are not required to make prior consultation with the H.P. Public Service Commission for regularization of services in case of those posts which fall within the purview of the H.P. Public Service Commission.
- (xiii) The seniority of the daily waged/contingent paid workers as are regularized under this policy vis-a-vis employee appointed on regular basis shall be determined on the date of issue of these policy instructions. The inter-se-seniority of such daily waged/contingent paid workers shall be determined in accordance with order of regularization of such daily waged/contingent paid worker based on seniority as daily waged/contingent paid worker.
- (xiv) There shall be no resultant vacancy by way of such regularization because such vacancies shall be abolished.
- (xv) If the vacant post is not available, the regularization may be done against available analogous Class-IV posts having identical pay band”.

20. Learned counsel for the respondents submitted that as per the scheme, the petitioner had been regularized and since the scheme only permits regularization *w.e.f.* the date of regularization, the petitioner is not entitled to the relief as claimed for by him in the present case.

21. This argument of the learned counsel for the respondents holds good to me for the reason that the aforesaid scheme announced by the Government clearly provided that daily waged workers/contingent paid workers who had completed seven years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 were to be considered for regularization against available vacancies in the department and that seven years of continuous service was only an eligibility criteria and the regularization was to be only from the prospective effect i.e. after the date the order of regularization was issued after completion of all the codal formalities. In the case on hand, as is evident from the office order dated 29-10-2015, copy of which is placed on record Ex.PW1/I, the services of the petitioner along-with seven others had been regularized to the post of peon/beldar in the university from the date(s) they reported for duty in the respective departments/offices/outstations as shown against them. In the above circumstances, as the scheme under which the petitioner along-with seven others had been regularized in the university, clearly provided that the regularization was to take effect from the prospective effect i.e. after the date the order of regularization was issued and after the completion of codal formalities, it does not lie in the mouth of the petitioner to say that he ought to have been regularized *w.e.f.* January 1, 2013. It appears me to that after the date of order of regularization i.e. 29-10-2015, the petitioner had rightly been regularized in the university on and *w.e.f.* 31-10-2015, after completion of all the codal formalities.

22. In all fairness, the learned vice counsel for the petitioner has placed reliance upon the judgment of our own Hon'ble High Court passed in CWP No.4999 of 2010 titled as Som Nath vs. State of H.P. & Ors. on 25-8-2010. It's copy has been placed on record by the petitioner as Ex.PW1/B. I have carefully gone through the aforesaid judgment relied upon by the learned vice counsel for the petitioner and I am of the view that the same is not applicable to the facts and circumstances of this case. In that case the grievance of the workers was that before regularization, they ought to have been granted the work-charged status. In the case on hand, the petitioner has not

claimed any such work-charged status. Then, orders of the Government dated 3-4-2000 and 6-5-2000 were in issue in that case, whereas in the instant case the petitioner along-with seven others have been regularized in service as per the subsequent scheme dated 7th May, 2015 announced by the State.

23. Such being the situation, I have no hesitation to conclude that the services of the petitioner had rightly been regularized in the university on the basis of the scheme announced by the Government on 7th May, 2015, on and *w.e.f.* 31-10-2015, after completion of all the codal formalities. The claim of petitioner is not maintainable. The petitioner is not entitled to any relief.

24. Issues No. 1 and 2 are accordingly answered in the negative and decided against the petitioner.

*Relief:*

25. In the light of what has been discussed hereinabove, while recording the findings on issues *supra*, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 5th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
*Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No.	: 282/2016
Date of Institution	: 04-5-2016
Date of Decision	: 05-07-2021

Shri Mohinder Singh s/o Shri Roshan Lal, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No.2, District Bilaspur, H.P. . *Petitioner.*

*Versus*

1. The Registrar, Dr. Y.S. Parmar University of Horticulture & Forestry, Nauni, District Solan, H.P.

2. The Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P. . *Respondents.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Rajat Chaudhary, Adv. Vice

For the Respondent(s) : Sh. Mukul Vaid, Adv. Vice

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether the demand of Shri Mohinder Singh s/o Shri Roshan Lal, c/o Shri Sunder Singh Sippy (General Secretary) All HP HPPWD and IPH Kamgar Union, House No.100/3, Roura Sector No.2, District Bilaspur, H.P. regarding regularization of his daily wages services after completion of 8 years continuous service *w.e.f.* 01-01-2013 as per Government Policy to be fulfilled by (i) the Registrar, Dr. Y.S. Parmar, University of Horticulture & Forestry, Nauni, District Solan, H.P. (ii) the Director, Regional Horticulture & Forestry, Research Station, Bhota, District Hamirpur, H.P., is legal and justified? If yes, to what relief, service benefits above workman is entitled to from the above employers?”

2. After that, a corrigendum reference dated 14th February, 2017 has been received from the appropriate Government, which reads thus:

“In partial modification of this Department’s Notification of even number dated 18-04-2016, the name of employer number (ii) may be read as, “the Dean, College of Horticulture and Forestry Neri, District Hamirpur, H.P.” instead of, “the Director, Regional Horticulture and Forestry Research Station Bhota, District Hamirpur, H.P.”, which was inadvertently recorded in the said notification”.

3. The case of the petitioner as it merges from the statement of claim is that he had regularly worked as a daily waged beldar with respondent No. 2 under the control and supervision of respondent No.1 *w.e.f.* 3-4-2000 at Neri (Bhota). His services had been reinstated along-with seniority and continuity in service as per the Award passed by this Court as well as the orders of the Hon’ble High Court of Himachal Pradesh. The respondents had granted seniority to the petitioner *w.e.f.* 1-1-2005, so he was to be regularized *w.e.f.* 1-1-2013. However, his services had been regularized by the respondents on and *w.e.f.* 31-10-2015. He be ordered to be reinstated on and *w.e.f.* 1-1-2013. Hence the petition.

4. On notice, the respondents appeared. They filed a joint detailed reply controverting the averments made in the petition/statement of claim. The contents of the petition were denied on merits. It is asserted that as per Award dated 24-8-2012 passed in Reference No.154/2012 by this Court, the petitioner was entitled to seniority and continuity in service from the date of his illegal termination *i.e.* 1-1-2005, without back wages. The Award was challenged by the respondents before the Hon’ble High Court of Himachal Pradesh in Civil Writ Petition No.8938 of 21012-D. It was disposed of on 17-10-2012. Thereafter the petitioner’s case had been sent to the Additional Chief Secretary (Hort.) to the Government of Himachal Pradesh and that approval for re-engaging the petitioner was granted by the Government on 18-6-2004. The petitioner was accordingly re-engaged *w.e.f.* 1-1-2005 *vide* letter dated 7-5-2013. His seniority was also determined from the aforesaid date at serial No. 7 in the tentative



seniority list of daily waged workers *vide* memorandum dated 1-10-2014. The services of the petitioner along-with his three seniors were regularized *vide* office order dated 29-10-2015, as per the instructions dated 7-5-2015 of the Government and as per the approval accorded by the Finance Committee and the Board of Management of the university in the meeting held on 8-10-2015. It is specifically denied that the petitioner was to be regularized in service on and *w.e.f.* 1-1-2013. Hence, it is prayed that the petition be dismissed.

5. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

6. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 01-8-2018:

1. Whether demand of petitioner regarding regularization of daily wages services to be fulfilled by respondents is/was legal and justified as alleged? . . .*OPP.*
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .*OPP.*

Relief.

7. Thereafter, parties to the list were directed to adduce evidence in support of the issues so framed.

8. Arguments of the learned vice counsel for the petitioner and the learned counsel for the respondents heard and records gone through.

9. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: No
Issue No. 2	: Negative
Relief	: Petition dismissed per operative of the Award

### REASONS FOR FINDINGS

*Issues No. 1 and 2 :*

10. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

11. The petitioner, namely, Shri Mohinder Singh examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are Ex.PW1/B to Ex.PW1/I.

In the cross-examination, he stated that he was appointed on 3-4-2000. He admitted that he had given a demand notice. He also admitted that earlier he had filed a

petition for his reinstatement. Further, he admitted that it was decided in his favour. He also clearly admitted that he was granted the seniority from 1-1-2005 and that he was regularized in service on 31-10-2015.

12. Conversely, Shri P.C. Sharma, Dean the then Director, Institute of Biotechnology and Environmental Sciences, Dr. Y.S. Parmar University of Horticulture and Forestry (respondent No. 1) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by the respondents.

In the cross-examination, he admitted that the petitioner was ordered to be re-engaged as per the order passed by this Court in the year 2012. He also admitted that as per the directions of this Court, the petitioner had been granted seniority. Further, he admitted that the petitioner was regularized in service on 31-10-2015. Thereafter stated, on 29-10-2015. He was not aware that as per which policy the petitioner was regularized in service. He feigned ignorance that the petitioner was to be regularized in service on 1-1-2013 after eight years of service, as per the policy.

13. The respondents also examined one Shri Vishal Sood, Executive Engineer, College of Horticulture and Forestry as RW2. He filed document i.e. copy of notification regarding regularization of daily waged workers dated 7-5-2015. In the cross-examination, he stated that he has been authorized by Dean, College of Horticulture and Forestry, Neri to submit the record.

14. Ex. RW2/A is the copy of letter/order dated 7th May, 2015 regarding regularization of daily waged workers/contingent paid workers.

15. Indisputably, the services of the petitioner were terminated in the first instance *w.e.f.* 21-3-2002 to 3-06-2004 and finally *w.e.f.* 1-1-2005 by the respondents. There is no denial of the fact that an Award dated 24-8-2012 was passed by this Court in Reference No.154/2012, copy of which is Ex.PW1/C on record, whereby while setting aside the termination order(s) the petitioner was directed to be reinstated with seniority and continuity in service from the date of his illegal termination *i.e.* 1-1-2005, except for the back wages. The parties are not at variance that being aggrieved of the order of re-engagement, the respondents had preferred a Civil Writ Petition before the Hon'ble High Court of Himachal Pradesh. The said writ petition had been registered as CWP No.8938 of 2012-D. It is not disputed that the said writ petition was disposed of by the Hon'ble High Court whereby the Award passed by this Court was upheld and the findings that the disengagement of the petitioner-workman was violative of the provisions of Section 25-G of the Act were affirmed.

16. As is apparent from the record, the Government of Himachal Pradesh had approved to re-engage the petitioner along-with others in compliance of the Award passed by this Court and the directions issued by the Hon'ble High Court of Himachal Pradesh in above-mentioned Civil Writ Petition. Reference in this regard can be made to the copy of letter dated February 18, 2013 placed on record as Ex.PW1/E. It is also evident from the letter dated May 7, 2013 addressed by respondent No.1 to the Director, Institute of Biotechnology and Environment Science, Neri, District Hamirpur (H.P.), copy of which is Ex.PW1/F on the file, that in compliance of the directions of the Hon'ble High Court of H.P. and the further approval of the State Government of Himachal Pradesh, the petitioner was asked to be re-engaged along-with others as a daily paid labourer after completing all the codal formalities.

17. It appears from the testimony of Shri P.C. Sharma (RW1) that as per the Award passed by the Court, the petitioner was granted the seniority. As per office memorandum issued by respondent No. 1 on October 1, 2014, copy of which is Ex.PW1/G, tentative seniority list of daily waged workers of the university, as it stood on 31-12-2013 was prepared. It's copy is there on the file as Ex.PW1/H. In this tentative seniority list the name of the petitioner figures at serial No.8.

18. Admittedly, the petitioner has been regularized to the post of peon in the Department of Directorate of Research of the University against the vacant post of peon under the scheme HPL-127-39. It is the own admitted case of the petitioner that he was regularized on and *w.e.f.* 31-10-2015. Sh. P.C. Sharma (RW1) while under cross-examination was also categorical that the petitioner had been regularized on 31-10-2015.

19. The only grievance of the petitioner is that he ought to have been regularized on January 1, 2013 as per the scheme announced by the State of Himachal Pradesh from time to time. It is the specific case of the respondents that the petitioner had been regularized in accordance with the instructions contained in order dated 7-5-2015 of the Government of Himachal Pradesh. At this stage it is apt to make a reference to such order of the Government. It read as follows:

“Norms/Principles regarding regularization of Daily Waged/Contingent Paid Workers.

- (i) Daily waged/contingent paid workers who have completed 7 years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 may be considered for regularization against the available vacancies in various Departments and the terms & conditions for such regularization shall be governed as per Annexure-‘A’.
- (ii) No new post of any category will be created
- (iii) After regularization, the original post of the concerned daily waged/contingent paid workers shall be abolished.
- (iv) The regularization will depend subject to availability of budget allocated to the department concerned for that year.
- (v) Since no new post is to be created, therefore, no additional fund/budget will be demanded.
- (vi) 7 years of continuous service is only an eligibility criteria and regularization shall be only from prospective effect *i.e.* after the date, the orders of regularization is issued after completion of codal formalities.
- (vii) The daily waged/contingent paid workers being considered for such regularization shall possess minimum educational qualification as prescribed in the Recruitment & Promotion Rules of such post at the time of initial engagement. However, the educational qualification will be relaxed, if required.
- (viii) In case of a daily waged/contingent paid workers, who has worked for less than 7 years on higher wages, on a higher pay scale post, he/she will be

- considered for regularization by combining the service both in the lower scale post and higher scale post but shall be regularized on a lower post because for regularization on a higher post, 7 years complete daily wage/contingent paid service on the higher pay scale post shall be essential.
- (ix) The daily waged/contingent paid workers may be regularized against the posts/vacancies of relevant categories purely on seniority basis subject to rejection being unfit and by doing so in case any roster point for reserved/feeder category remains under utilized, these shall be made good in future recruitments by filling up the backlog first.
  - (x) Such daily waged/contingent paid workers, who were within the age limit prescribed for direct recruitment at the time of engagement on daily wages/contingent paid basis, may be given relaxation in age limit while regularizing their services, if they have crossed the maximum age limit as prescribed in the Recruitment and Promotion Rules.
  - (xi) Such daily waged/contingent paid workers, who have been engaged without being sponsored by the Employment Exchange, may be given relaxation while regularizing their services.
  - (xii) The Department(s) are not required to make prior consultation with the H.P. Public Service Commission for regularization of services in case of those posts which fall within the purview of the H.P. Public Service Commission.
  - (xiii) The seniority of the daily waged/contingent paid workers as are regularized under this policy vis-a-vis employee appointed on regular basis shall be determined on the date of issue of these policy instructions. The inter-se-seniority of such daily waged/contingent paid workers shall be determined in accordance with order of regularization of such daily wage/contingent paid worker based on seniority as daily wage/contingent paid worker.
  - (xiv) There shall be no resultant vacancy by way of such regularization because such vacancies shall be abolished.
  - (xv) If the vacant post is not available, the regularization may be done against available analogous Class-IV posts having identical pay band".

20. Learned counsel for the respondents submitted that as per the scheme, the petitioner had been regularized and since the scheme only permits regularization w.e.f. the date of regularization, the petitioner is not entitled to the relief as claimed for by him in the present case.

21. This argument of the learned counsel for the respondents holds good to me for the reason that the aforesaid scheme announced by the Government clearly provided that daily waged workers/contingent paid workers who had completed seven years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) as on 31-3-2015 were to be considered for regularization against available vacancies in the department and that seven years of continuous service was only an eligibility criteria and the regularization was to be only from the prospective effect *i.e.* after the date the order of regularization was issued after completion of all the codal formalities. In the case on hand, as is evident

from the office order dated 29-10-2015, copy of which is placed on record Ex.PW1/I, the services of the petitioner along-with seven others had been regularized to the post of peon/beldar in the university from the date(s) they reported for duty in the respective departments/offices/outstations as shown against them. In the above circumstances, as the scheme under which the petitioner along-with seven others had been regularized in the university, clearly provided that the regularization was to take effect from the prospective effect *i.e.* after the date the order of regularization was issued and after the completion of codal formalities, it does not lie in the mouth of the petitioner to say that he ought to have been regularized *w.e.f.* January 1, 2013. It appears me to that after the date of order of regularization *i.e.* 29-10-2015, the petitioner had rightly been regularized in the university on and *w.e.f.* 31-10-2015, after completion of all the codal formalities.

22. In all fairness, the learned vice counsel for the petitioner has placed reliance upon the judgment of our own Hon'ble High Court passed in CWP No. 4999 of 2010 titled as **Som Nath vs. State of H.P. & Ors** on 25-8-2010. It's copy has been placed on record by the petitioner as Ex.PW1/B. I have carefully gone through the aforesaid judgment relied upon by the learned vice counsel for the petitioner and I am of the view that the same is not applicable to the facts and circumstances of this case. In that case the grievance of the workers was that before regularization, they ought to have been granted the work-charged status. In the case on hand, the petitioner has not claimed any such work-charged status. Then, orders of the Government dated 3-4-2000 and 6-5-2000 were in issue in that case, whereas in the instant case the petitioner along-with seven others have been regularized in service as per the subsequent scheme dated 7th May, 2015 announced by the State.

23. Such being the situation, I have no hesitation to conclude that the services of the petitioner had rightly been regularized in the university on the basis of the scheme announced by the Government on 7th May, 2015, on and *w.e.f.* 31-10-2015, after completion of all the codal formalities. The claim of petitioner is not maintainable. The petitioner is not entitled to any relief.

24. Issues No. 1 and 2 are accordingly answered in the negative and decided against the petitioner.

*Relief:*

25. In the light of what has been discussed hereinabove, while recording the findings on issues supra, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 5th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

[Organized by Labour Court-cum-Industrial Tribunal, Dharamshala under Section 19, of  
Legal Services Authorities Act, 1987 (Central Act)]

Applicant : Sh. Manish Kumar s/o Sh. Rakesh Kumar, r/o #7, Village  
Medha Majra, VPO Partap Nagar, Township Nangal Dam,  
Tehsil Haroli, District Una, H.P.

Respondent : The Managing Director/Employer, M/s Canvas Integrated  
Cold Chain Services, VPO Nangal Khurd, Tehsil Haroli,  
District Una, H.P.

Number of proceedings of the  
Labour Court-cum-Industrial  
Tribunal, Dharamshala : 108/2020

Present:

Name of Judicial Officer : Sh. Yogesh Jaswal

Name of Member : Sh. B.S. Pathania

**AWARD**

The dispute between the parties having been referred for determination to the National Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement:

Separate statement of the petitioner Shri Manish Kumar recorded today before the Bench of National Lok Adalat to the effect that the matter stands amicably settled in between him and the respondent/management for a full and final amount of Rs.15,000/- (Rupees Fifteen thousand only). The aforesaid full and final amount, as per the statement of the petitioner, has been paid to him by the respondent/management by depositing it in his A/c No. 33946388185 maintained at State Bank of India, Branch Nangal, bearing IFSC Code SBIN 0000689 through Google Pay. So, now he does not want to further pursue the matter and wants to withdraw the same. Such statement is placed on the file. Statement of the learned counsel for the respondent/management was also recorded before the Bench of National Lok Adalat separately, whereby it was stated that the same is acceptable to the respondent/management. It is also placed on record.

In view of the aforesaid statements so recorded before the Bench of National Lok Adalat and particularly the statement of the petitioner, the present reference under Section 10 (1) of the Industrial Disputes Act, 1947 is hereby withdrawn as compromised. File after due completion be consigned to the record room.

The parties are informed that the Court fee, if any, paid by any of them shall be refunded.

Applicant : Sh. Manish Kumar (Applicant in person)

Respondent : Smt. Meenakshi Rana, Adv.

Judicial Officer

Member

Date: 10-07-2021

BEFORE THE NATIONAL LOK ADALAT HELD AT DHARAMSHALA

[Organized by Labour Court-cum-Industrial Tribunal, Dharamshala under Section 19, of Legal Services Authorities Act, 1987 (Central Act)]

Applicant : Sh. Baldev s/o Sh. Shyama, r/o Vill. Bhainth, P.O. Sanghani, Tehsil Salooni, District Chamba, H.P.

Respondent(s) : The Divisional Forest Officer, Churah Forest Division, Salooni, District Chamba, H.P.

Number of proceedings of the Labour Court-cum-Industrial Tribunal, Dharamshala : 19/2020

Present:

Name of Judicial Officer : Sh. Yogesh Jaswal

Name of Member : Sh. B.S. Pathania

**AWARD**

The dispute between the parties having been referred for determination to the National Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement:

The case is taken up today before the Bench of National Lok Adalat. Separate statement of Shri I.S. Jaryal, Authorized representative for the petitioner was recorded at Chamba on 08-7-2021, as per which, he wants to withdraw the present reference since there is no mentioned in it of fictional breaks. He also stated that he wants to file a new case under Section 2 (k) of the Industrial Disputes Act, 1947.

In view of the aforesaid statement of the learned Authorized Representative of the petitioner recorded at Chamba on 8-7-2020, the present reference is hereby dismissed as withdrawn. The file after due completion be consigned to the Record Room.

The parties are informed through their counsel that the Court fee, if any, paid by any of them shall be refunded.

Applicant : Sh. Rajat Chaudhary, Adv. Vice

Respondent : Sh. Anil Sharma, Dy. D.A.

Judicial Officer

Member

Date: 10-07-2021

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 334/2016

Date of Institution : 26-5-2016

Date of Decision : 14-7-2021

Shri Munshi Ram s/o Shri Biju, through Shri I.S. Jaryal, General Secretary, District Committee (AITUC), CHEP Stage-II, Karian, P.O. Hardaspura, Tehsil & District Chamba, H.P. . *Petitioner.*

*Versus*

The Executive Engineer, I&PH Division Chamba, District Chamba, H.P. . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. I.S. Jaryal, AR

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether time to time termination of the services of Shri Munshi Ram s/o Shri Biju, through Shri I.S. Jaryal, General Secretary, District Committee (AITUC), CHEP Stage-II, Karian, P.O. Hardaspura, Tehsil & District Chamba, H.P. during February, 1998 to April, 2005 and during year, 2013 by the Executive Engineer, I.&P.H. Division, Chamba, District Chamba, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner as it emerges from the statement of claim is that he was initially engaged as a daily waged beldar on muster roll basis in the year 1998 and had worked as such continuously till March, 2015 with the respondent. His services were not regularized by the respondent despite his rendering 18 years of service as a daily wager. His services have been retrenched in the year 1999, when he had filed an Original Application *i.e.* OA (D) No.386/2016 before the Hon’ble Administrative Tribunal. The Hon’ble Tribunal had issued directions to the respondent to re-engage him as per his seniority, as per the availability of work in future. Thereafter he had worked continuously, but was being given artificial/fictional breaks by allowing work for 18 days in a month so that he could not complete 240 days in a year. He always was ready and willing to work for the full month. The cessation of work for the period from the year 1998 till April, 2006 and also during the year 2013 was only due to the fault of the respondent, being



violative of the provisions of Section 25-B of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short). Persons junior to him were kept on muster rolls for the whole month regularly. Despite sufficient funds and work being available with the respondent/department, the services of the petitioner were being interrupted every month. Various requests were made to the respondent time and again to allow him to work for full month, but without success. Such act of the respondent was illegal and unjustified. The respondent had violated the provisions of Articles 14 and 16 of the Constitution of India, besides violating the provisions of Sections 25-B and 25-G of the Act. Hence, the petition.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability and that the petition was bad on account of delay and laches. The contents of the petition were denied on merits, however it was admitted that the petitioner was initially engaged in the year 1998. It was asserted that he had not worked continuously but intermittently with the respondent from the year 1998 till April, 2006. Thereafter, he had worked continuously. No fictional breaks were ever given to him. The work was being allotted to the petitioner as per the availability of work and funds. He had worked continuously *w.e.f.* May, 2006 and when he had completed the requisite criteria for regularization as per the Government policy, he was regularized in the month of October, 2013. It was denied that junior workmen were allowed to work continuously and that the petitioner was ignored. Only those workers were regularized who had fulfilled the criteria for regularization, as per the Government policy. The petitioner had not completed 240 days in each calendar year from the month of April, 1998 upto April, 2006. It was asserted that the petitioner was an agriculturist and was gainfully employed. The respondent, thus, prayed for the dismissal of the claim petition.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Tribunal *vide* order dated 12-10-2017:

1. Whether time to time termination of services of the petitioner by the respondent during February, 1998 to April, 2005 and during year, 2013 is/was illegal and unjustified as alleged?
2. If issue No. 1 is proved in affirmative, to what service benefits the petitioner is entitled to? *..OPP.*
3. Whether the claim petition is not maintainable in the present form? *..OPR.*
4. Whether the claim petition is bad on the ground of delay and laches as alleged? *..OPR.*

Relief.

6. Thereafter, evidence was led by the parties to the lis in support of the issues so framed.

7. Arguments of the learned Authorized Representative for the petitioner and the learned Deputy District Attorney for the respondent heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: Decided accordingly
Issue No. 2	: Decided accordingly
Issue No. 3	: No
Issue No. 4	: No
Relief	: Petition partly allowed as per the operative part of the Award.

### REASONS FOR FINDINGS

*Issues No.1 and 2 :*

9. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Munshi Ram examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed documents purportedly in support of his claim, which are Ex.PW1/B to Ex.PW1/G and Mark-A1 to Mark-A7.

In the cross-examination, he admitted that he had raised this dispute for the years 1998 to 2005 and 2013. He also admitted that since the year 2006 the department has been providing him work for more than 240 days. Volunteered that, breaks were given to him in the year 2013. He denied that no breaks were given to him in the year 2013. He also denied that while issuing the muster rolls, he and the other workers were apprised of the fact that the department could not provide them much work. Further, he denied that only after his oral consent the muster rolls were being issued. He specifically denied that the department had regularized only those persons who had continuously worked in the department and had fulfilled the conditions of Government policy for regularization. He denied that he had not worked for 240 days from the year 1998 till the year 2005. He also denied that no intentional breaks were given to him by the department. He admitted that he owns land, which he cultivates. He denied that he had not made any representation regarding the breaks from the year 2006 upto the year 2014.

11. Conversely, Shri Dinesh Kapoor, Executive Engineer, I&PH Division Chamba (respondent) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

In the cross-examination, he admitted that the petitioner was initially engaged on muster roll in February, 1998. He also admitted that Ex.PW1/C has been prepared by the department. He further admitted that the muster rolls were being issued only for 18-20 days. Volunteered that, they were being issued as per the availability of work and funds. He clearly admitted that the workers shown at serial Nos. 1 to 87 in Ex.PY have

been regularized. He feigned ignorance that S/Sh. Ajay Kumar, Vijay Singh, Shamsher Singh, Pawan, Kewal Krishan, Raj Kumar, Tilak Raj and Hem Raj, were regularized in service after working for eight years on muster rolls.

12. Ex. RW1/B is the mandays chart relating to the petitioner

13. There is no denial of the fact that Reference No.215/2012 titled as Shri Hem Raj vs. The Executive Engineer, I&PH Division, Chamba, H.P. was decided by this Court/Tribunal on 22-4-2013. Reference in this regard can also be made to copy of the Award placed on the file as Ex.PW1/B. While deciding the said reference, it was held by this Court/Tribunal that the workman therein was in continuous service with the respondent from his respective date of engagement and the breaks which were given to him by the respondent being fictional in nature shall have no effect on his seniority and continuity of service. Manifest that it is not in one odd case, but in the case of a number of workmen that such procedure had been adopted by the respondent. Why, how and under what circumstances the muster rolls were issued only for 18 days to the workman (petitioner) has not been clearly spelt out by the respondent either in his pleadings or in the evidence. It is the version of the respondent that the work was made available to the petitioner as per the requirement of work and availability of funds. There is no cogent, convincing, strong and reliable evidence on record to substantiate this plea, except for the self serving testimony of the respondent.

14. On the other hand, the seniority list of eighty seven junior beldars regularized by the respondent as Ex.PY shows that workmen, namely, Shri Dharam Paul, Shri Partap Chand and Shri Rumal Singh were engaged in January, 1999 respectively. Their names figure at serial nos. 84 to 86 in the seniority list, Ex.PY. A perusal of Ex.PY shows that all the aforementioned workmen were being offered muster rolls for a full month. Admittedly, even these workmen are employed in I&PH Division Chamba. The respondent while appearing as RW1 has not clarified as to why all the above-named workmen, who were junior to the petitioner were not being given any breaks. Indisputably, the nature of job of all these workmen was similar to that of the petitioner. Why the petitioner, who admittedly was senior to the aforesaid workmen was not granted the muster rolls for the entire month from the year 1998 upto April, 2005 (as per the reference), has neither been explained nor there seems to be any plausible reason for the same. As discussed above, the reasons to that effect being obscure only go to show that the story put forth by the respondent that as adequate work and funds were not available, the petitioner was not being granted the muster rolls for the entire month is incorrect. It is admitted by the petitioner (PW1) that since the year 2006 the department had been giving muster rolls for the entire month to him. He continued working uninterruptedly but only for 18 days in a month right from the year 1998 till April, 2005. Certain similarly situated persons, however, continued to be granted full muster roll. The respondent was either resorting to favouritism or acting in a partisan manner to the petitioner or was simply resorting to such process with an object of depriving him of the status and privileges of a permanent workman, entitling him to regularization as per the policy of the State Government. It is an act of gross discrimination which is ex facie borne out from the record. There can be no two opinions about it. Mere glance at the record highlights the glaring discrepancy and discrimination perpetuated by the respondent.

15. The aforesaid act of the respondent, as discussed above, is not only an 'unfair labour' practice as per the provisions of the Section 2(ra) of the Act, but is also against the provisions of Section 25-B of the Act, which stipulates that the workman shall be in 'continuous service', except because of an interruption on account of sickness

authorized leave, accident, strike, which is illegal or lock out and the cessation of work which is not due to any fault on the part of the workman. The act of the respondent in not intentionally issuing muster roll for the entire month to the petitioner was not due to any fault of his. The cessation of work was caused due to the arbitrary and discriminatory attitude of the respondent. Therefore, it has to be presumed that the workman *i.e.* petitioner was in 'continuous service'. He continued serving the respondent uninterruptedly from the month of February, 1998 till April, 2005 (as per the reference). The sole inference which can be drawn from the entire circumstances as discussed above, is that the action of the respondent in giving fictional breaks to the petitioner and in the process disengaging him after 18 days every month from the month of February, 1998 till April, 2005 was illegal and against the provisions of the Act.

16. A plea was also taken by the petitioner that fictional breaks were also given to him by the respondent in the year 2013. A glance at the mandays chart of the petitioner, copy of which is placed on record as Ex.PW1/C (also Ex.RW1/B) would reveal that except for the months from April to August, 2013, the petitioner was being granted the muster roll for the entire month. During the months from April to August, 2013, the petitioner as per Ex.PW1/C, had not worked for even a single day. A person not working for a single day for months together in a year cannot be permitted to countenance that artificial/fictional breaks were also provided to him by the respondent/department wrongly and illegally in the year 2013. To my mind, no artificial/fictional breaks were given to the petitioner by the respondent during the course of employment in the year 2013.

17. The upshot is that the petitioner was in continuous and uninterrupted service with the respondent from the month of February, 1998 till the month of April, 2005. The breaks given to him by the respondent during this period only were fictional in nature and they shall have no effect on his seniority and continuity in service. His seniority shall be reckoned from the month of February, 1998.

18. These issues under discussion are accordingly decided partly in favour of the petitioner and against the respondent.

#### *Issue No. 3 :*

19. In view of what has been held under the foregoing issues, the petition is perfectly maintainable to the extent the same relates to the relief(s) the petitioner is found entitled to. Even otherwise, nothing has been brought to my notice by the respondent to show as to how the reference is not maintainable. The issue under discussion is accordingly decided against the respondent and in favour of the petitioner.

#### *Issue No. 4 :*

20. In Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another, (1999) 6 SCC 82, it has been observed by the Hon'ble Supreme Court that:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

21. In view of the trite laid down in this ruling, it cannot be said that the petition is hit by the vice of delay and laches. Hence, and against the respondent.

*Relief:*

22. As a sequel to my findings on issues above, the instant claim petition partly succeeds and the same is partly allowed. It is held that the petitioner was in continuous and uninterrupted service with the respondent from the month of February, 1998 till the month of April, 2005. The breaks given by the respondent to the petitioner from the month of February, 1998 upto the month of April, 2005 were artificial/fictional in nature. This period of fictional breaks is ordered to be counted for the purpose of continuous service, except back wages. His seniority shall be reckoned from the month of February, 1998. However, his remaining claim regarding artificial/fictional breaks in the year 2013 is rejected. Parties to bear their own costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today this 14th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT BILASPUR)**

Ref. No.	: 153/2019
Date of Institution	: 02-12-2019
Date of Decision	: 16-07-2021

Shri Lala Ram s/o Shri Hiru Ram, r/o Village Tihra, P.O. Malyawar, Tehsil Ghumarwin, District Bilaspur, H.P. through Shri Sunder Singh Sippy, (General Secretary) All H.P.P.W.D. and I.P.H. Workers Union, House No.100/3, Roda Sector No.2, District Bilaspur, H.P. . *Petitioner.*

*Versus*

1. The Superintending Engineer, H.P.P.W.D. 10th Circle, Bilaspur, District Bilaspur, H.P.
2. The Executive Engineer, H.P.P.W.D. Division No.1, Bilaspur, District Bilaspur, H.P. . *Respondents.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. S.S. Sippy, AR

For the Respondent (s) : Sh. Anil Sharma, Dy. D.A.

### AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether the demand of Shri Lala Ram s/o Shri Hiru Ram, r/o Village Tihra, P.O. Malyawar, Tehsil Ghumarwin, District Bilaspur, H.P. through Shri Sunder Singh Sippy (General Secretary) All H.P.P.W.D. and I.P.H. Workers Union, House No.100/3, Roda Sector No.2, District Bilaspur, H.P. regarding regularization of his daily wages services after completion of 8 years continuous service during year, 2001 (copy of working days detail enclosed) as per Government Policy to be fulfilled by (i) the Superintending Engineer, H.P.P.W.D. 10th Circle, Bilaspur, District Bilaspur, H.P. (ii) the Executive Engineer, H.P.P.W.D. Division No.1, Bilaspur, District Bilaspur, H.P., is legal and justified? If yes, what relief service benefits above workman is entitled to from the above employers?”

2. In view of various previous office orders and the latest office order dated 17-6-2021, the case is listed for further hearing but, however, Shri S.S. Sippy, Authorized Representative appearing for the petitioner has made the below given statement in the Court today:—

“Stated that I do not want to proceed further with this case. Hence I withdraw the same on behalf of the petitioner”.

RO&AC

PJ

Sd/-

Sd/-

3. In view of the above statement, this reference/claim petition is dismissed as withdrawn. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 16th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
Presiding Judge,  
Labour Court-cum-Industrial Tribunal,  
Kangra at Dharamshala, H.P. (Camp at Bilaspur).

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT BILASPUR)**

Ref. No. : 14/2020

Date of Institution : 21-1-2020

Date of Decision : 16-07-2021

Shri Prem Lal s/o Shri Lohku Ram, r/o Village Dohru, P.O. Dadhol, Tehsil Ghumarwin, District Bilaspur, H.P. . *Petitioner.*

*Versus*

The Divisional Forest Officer, Bilaspur Forest Division, District Bilaspur, H.P. . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. S.S. Sippy, AR

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether time to time termination of services of Shri Prem Lal s/o Shri Lohku Ram r/o Village Dohru, P.O. Dadhol, Tehsil Ghumarwin, District Bilaspur, H.P. by the Divisional Forest Officer, Bilaspur Forest Division, District Bilaspur, H.P. during year, 1996 to August, 2016 and finally during September, 2016, without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and regularization the above worker is entitled to from the above employer?”

2. In view of various previous office orders and the latest office order dated 17-6-2021, the case is listed for further hearing but, however, Shri S.S. Sippy, Authorized Representative appearing for the petitioner has made the below given statement in the Court today:—

“Stated that I do not want to proceed further with this case. Hence I withdraw the same on behalf of the petitioner”.

RO&AC

PJ

Sd/-

Sd/-

3. In view of the above statement, this reference/claim petition is dismissed as withdrawn. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 16th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
*Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.*

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT MANDI)**

Ref No. : 89/2017  
Date of Institution : 28-3-2017  
Date of Decision : 23-7-2021

H.P. Shri Hem Raj s/o Shri Adam Ram, r/o Village Gehar, P.O. Nihri, District Mandi,  
H.P. . .Petitioner.

*Versus*

H.P. The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi,  
H.P. . .Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : None for the petitioner  
For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Hem Raj s/o Shri Adam Ram, r/o Village Gehar, P.O. Nihri, District Mandi, H.P. during August, 2012 (as alleged by the workman) by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer/management?”



2. The case of the petitioner as set out in the statement of claim is that his services were engaged as a forest worker by the respondent in Forest Division, Sunder Nagar, District Mandi, H.P. in the year 1998. Fictional/artificial breaks were given to him by the respondent/department due to which he could not complete 240 days in any calendar year. He had worked on muster roll/bill basis. Similar situated persons, namely, Shri Khub Chand and Shri Kamal Chand, whose services were also terminated by the respondent, had approached this Court and their services have been regularized as per the directions of the Court. Neither one month notice nor retrenchment compensation had been paid to the petitioner, as per the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short). Persons junior to him, namely, S/Smt./Sh. Jai Lal, Madan Lal, Sita Devi, Ramesh Kumar and Mast Ram were retained in service by the respondent and their services have been also regularized by the department. Such act of the respondent attracts the provisions of Sections 25-G and 25-H of the Act. Hence, the petition.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability and that the petition is bad on account of delay and laches. The contents of the petition were denied on merits. It was asserted that as the petitioner had never worked with the respondent/department as a daily wager, the question of giving him fictional breaks as well as completing 240 days does not arise. Only those workers have been regularized who had completed the requisite criteria for regularization as per the Government policy. Since the petitioner had not worked with the respondent as a daily waged worker, there was no need to serve a notice upon him under Section 25-F of the Act. The petitioner is gainfully employed, being an agriculturist. Hence, it was prayed that the petition be dismissed.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 27-9-2019:

1. Whether termination of services of the petitioner during August, 2012 by the respondent is/was illegal and unjustified, as alleged? . . .*OPP.*
2. If issue no.1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .*OPP.*
3. Whether the claim petition is not maintainable, as alleged? . . .*OPR.*
4. Whether the claim petition is bad on account of delay and laches, as alleged? . . .*OPR.*

Relief.

6. Arguments of the learned Deputy District Attorney for the respondent heard and records gone through.

7. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

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Issue No. 1	: Negative
Issue No. 2	: Negative
Issue No. 3	: Not pressed
Issue No. 4	: Negative
Relief	: Petition is dismissed per operative part of the Award.

### REASONS FOR FINDINGS

#### *Issues No.1 and 2 :*

8. Being interlinked and to avoid repetition, both these issues are taken up together for discussion and disposal.

9. The statement of claim has been filed by the petitioner claiming that his services were illegally and unjustifiably terminated by the respondent in the month of August, 2012 by violating the provisions of Sections 25-F, 25-G and 25-H of the Act. It was asserted that the petitioner had been engaged on daily wage basis on muster roll as a forest worker in the year 1998. It was also his claim that he had completed 240 days in each calendar year. A plea was also taken to the effect that the respondent had not adhered to the principle of 'last come first go', as persons junior to the petitioner were retained and that fresh hands had also been engaged. It was also asserted that no opportunity was afforded to the petitioner for re-engagement. These averments were required to be established on record by the petitioner by way of ocular and/or documentary evidence.

10. However, when the case was listed for the evidence of the petitioner on 23-7-2021, neither he nor his counsel had put in appearance before this Tribunal, despite the case being called several times since morning. Hence, despite due notice of the date of hearing, the petitioner had remained *ex parte*.

11. It will be apt at this stage to take note of the relevant provisions of the Act. Section 2 (b) of the Act defines the Award as under:—

“(b) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under Section 10A;”.

12. Sub-Section (1) of Section 11 of the Act provides that subject to any rules that may be made in this behalf, an arbitrator, a Board, Court, Labour Court, Tribunal or National Tribunal shall follow such procedure as the arbitrator or other authority concerned may think it fit. The Central Government has framed rules called “The Industrial Disputes (Central) Rules, 1957.” Rule 10-B (9) reads thus:—

“10-B (9) In case any party defaults or fails to appear at any stage the Labour Court, Tribunal, or National Tribunal, as the case may be, may proceed with the reference *ex-parte* and decide the reference application in the absence of the defaulting party.”

13. Rule 22 reads thus:—

*“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed ex-parte.— If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”*

14. The State of Himachal Pradesh has also framed rules called “The Industrial Disputes Rules, 1974.” Rule 25 thereof reads thus:—

*“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed ex-parte.—If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”*

15. Rule 22 of the Industrial Disputes (Central) Rules, 1957 and Rule 25 of the Industrial Disputes Rules, 1974 authorize the adjudicating authority to proceed in the absence of a party. It creates a fiction which enables the Tribunal to presume that all the parties are present before it although, in fact, it is not true, and thus make an ex parte award. This Tribunal in these circumstances has to imagine that the absentee workman is present and having done so, can give full effect to its imagination and carry it to its logical end. Under Rule 25, this Tribunal, thus, has to imagine that the workman is present, he is unwilling to adduce evidence or argue his case.

16. In the instant case, neither the petitioner nor his counsel had put in appearance before this Tribunal on 23-7-2021. In these circumstances, the Tribunal can proceed and pass ex parte award on its merits.

17. Since, it is disputed by the respondent that the services of the petitioner had been engaged on daily wage basis, so firstly it was required of the petitioner to prove on record that he had been engaged by the respondent on daily waged basis and then to establish on record, as per the reference, that the termination of his services in the month of August, 2012 by the respondent was without complying with the provisions of the Act and, thus, illegal and unjustified. Though, a statement of claim has been filed by the petitioner, but his allegations therein have remained a mere saying on record, as no evidence in support thereof has been led by him. At the risk of repetition, the petitioner had not put in appearance before this Tribunal. In this view of the matter, the petitioner is not entitled to any relief, as claimed for in the statement of claim. Hence, both these issues are decided against the petitioner and in favour of the respondent.

*Issue No. 3 :*

18. Not pressed.

*Issue No. 4 :*

19. In Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another. (1999) 6 SCC 82, it has been observed by the Hon’ble Supreme Court that:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

20. In view of the trite laid down in this ruling, it cannot be said that the petition is hit by the vice of delay and laches. Hence, this issue is decided in favour of the petitioner and against the respondent.

*Relief:*

21. In the light of what has been discussed hereinabove, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 23rd day of July, 2021

Sd/-  
(YOGESH JASWAL),  
*Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT MANDI)**

Ref. No. : 123/2017

Date of Institution : 28-3-2017

Date of Decision : 23-7-2021

H.P. Shri Bodh Raj s/o Shri Narad Ram, r/o Village Gehar, P.O. Nihri, District Mandi,  
H.P. . *Petitioner.*

*Versus*

H.P. The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi,  
H.P. . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947.**

For the Petitioner : None for the petitioner

For the Respondent : Sh. Anil Sharma, Dy. D.A.

## AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Bodh Raj s/o Shri Narad Ram, r/o Village Gehar, P.O. Nihri, Sub Tehsil Nihri, District Mandi, H.P. during year, 2014 (as alleged by the workman) by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer/management?”

2. The case of the petitioner as set out in the statement of claim is that his services were engaged as a forest worker by the respondent in Forest Division, Sunder Nagar, District Mandi, H.P. in the year 1998. Fictional/artificial breaks were given to him by the respondent/department due to which he could not complete 240 days in any calendar year. He had worked on muster roll/bill basis. Similar situated persons, namely, Shri Khub Chand and Shri Kamal Chand, whose services were also terminated by the respondent, had approached this Court and their services have been regularized as per the directions of the Court. Neither one month notice nor retrenchment compensation had been paid to the petitioner, as per the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act’ for short). Persons junior to him, namely, S/Smt./Sh. Jai Lal, Madan Lal, Sita Devi, Ramesh Kumar and Mast Ram were retained in service by the respondent and their services have been also regularized by the department. Such act of the respondent attracts the provisions of Sections 25-G and 25-H of the Act. Hence, the petition.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability and that the petition is bad on account of delay and laches. The contents of the petition were denied on merits. It was asserted that as the petitioner had never worked with the respondent/department as a daily wager, the question of giving him fictional breaks as well as completing 240 days does not arise. Only those workers have been regularized who had completed the requisite criteria for regularization as per the Government policy. Since the petitioner had not worked with the respondent as a daily waged worker, there was no need to serve a notice upon him under Section 25-F of the Act. The petitioner is gainfully employed, being an agriculturist. Hence, it was prayed that the petition be dismissed.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 27-9-2019:

1. Whether termination of services of the petitioner during year, 2014 by the respondent is/was illegal and unjustified, as alleged? . . . *OPP.*
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . . *OPP.*
3. Whether the claim petition is not maintainable, as alleged? . . . *OPR.*

4. Whether the claim petition is bad on account of delay and laches, as alleged? . . . *OPR*.

Relief.

6. Arguments of the learned Deputy District Attorney for the respondent heard and records gone through.

7. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: Negative
Issue No. 2	: Negative
Issue No. 3	: Not pressed
Issue No. 4	: Negative
Relief	: Petition is dismissed per operative part of the Award.

### REASONS FOR FINDINGS

*Issues No.1 and 2 :*

8. Being interlinked and to avoid repetition, both these issues are taken up together for discussion and disposal.

9. The statement of claim has been filed by the petitioner claiming that his services were illegally and unjustifiably terminated by the respondent in the year 2014 by violating the provisions of Sections 25-F, 25-G and 25-H of the Act. It was asserted that the petitioner had been engaged on daily wage basis on muster roll as a forest worker in the year 1998. It was also his claim that he had completed 240 days in each calendar year. A plea was also taken to the effect that the respondent had not adhered to the principle of 'last come first go', as persons junior to the petitioner were retained and that fresh hands had also been engaged. It was also asserted that no opportunity was afforded to the petitioner for re-engagement. These averments were required to be established on record by the petitioner by way of ocular and/or documentary evidence.

10. However, when the case was listed for the evidence of the petitioner on 23-7-2021, neither he nor his counsel had put in appearance before this Tribunal, despite the case being called several times since morning. Hence, despite due notice of the date of hearing, the petitioner had remained *ex-parte*.

11. It will be apt at this stage to take note of the relevant provisions of the Act. Section 2 (b) of the Act defines the Award as under:—

“(b) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under Section 10A;”.

12. Sub-Section (1) of Section 11 of the Act provides that subject to any rules that may be made in this behalf, an arbitrator, a Board, Court, Labour Court, Tribunal or National Tribunal shall follow such procedure as the arbitrator or other authority concerned may think it fit. The Central Government has framed rules called “The Industrial Disputes (Central) Rules, 1957.” Rule 10-B (9) reads thus:—

“10-B (9) In case any party defaults or fails to appear at any stage the Labour Court, Tribunal, or National Tribunal, as the case may be, may proceed with the reference *ex-parte* and decide the reference application in the absence of the defaulting party.”

13. Rule 22 reads thus:—

“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed *ex-parte*.—If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”

14. The State of Himachal Pradesh has also framed rules called “The Industrial Disputes Rules, 1974.” Rule 25 thereof reads thus:—

“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed *ex-parte*.—If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”

15. Rule 22 of the Industrial Disputes (Central) Rules, 1957 and Rule 25 of the Industrial Disputes Rules, 1974 authorize the adjudicating authority to proceed in the absence of a party. It creates a fiction which enables the Tribunal to presume that all the parties are present before it although, in fact, it is not true, and thus make an *ex-parte* award. This Tribunal in these circumstances has to imagine that the absentee workman is present and having done so, can give full effect to its imagination and carry it to its logical end. Under Rule 25, this Tribunal, thus, has to imagine that the workman is present, he is unwilling to adduce evidence or argue his case.

16. In the instant case, neither the petitioner nor his counsel had put in appearance before this Tribunal on 23-7-2021. In these circumstances, the Tribunal can proceed and pass *ex-parte* award on its merits.

17. Since, it is disputed by the respondent that the services of the petitioner had been engaged on daily wage basis, so firstly it was required of the petitioner to prove on record that he had been engaged by the respondent on daily waged basis and then to establish on record, as per the reference, that the termination of his services in the year 2014 by the respondent was without complying with the provisions of the Act and, thus, illegal and unjustified. Though, a statement of claim has been filed by the petitioner, but his allegations therein have remained a mere saying on record, as no evidence in support thereof has been led by him. At the risk of repetition, the petitioner had not put in appearance before this Tribunal. In this view of the matter, the

petitioner is not entitled to any relief, as claimed for in the statement of claim. Hence, both these issues are decided against the petitioner and in favour of the respondent.

*Issue No. 3 :*

18. Not pressed.

*Issue No. 4 :*

19. In Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another. (1999) 6 SCC 82, it has been observed by the Hon'ble Supreme Court that:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

20. In view of the trite laid down in this ruling, it cannot be said that the petition is hit by the vice of delay and laches. Hence, this issue is decided in favour of the petitioner and against the respondent.

*Relief :*

21. In the light of what has been discussed hereinabove, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 23rd day of July, 2021

Sd/-  
(YOGESH JASWAL),  
*Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.  
(Camp at Manadi)*

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT MANDI)**

Ref. No. : 90/2017

Date of Institution : 28-3-2017

Date of Decision : 23-7-2021

Shri Narender Kumar s/o Shri Luharu Ram, r/o Village Gaher, P.O. Nihri, Sub  
Tehsil Nihri, District Mandi, H.P. . . . . . *Petitioner.*



*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P. . Respondent.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : None for the petitioner

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Narender Kumar s/o Shri Luharu Ram, r/o Village Gaher, P.O. Nihri, Sub Tehsil Nihri, District Mandi, H.P. during year, 2014 (as alleged by the workman) by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer/management?”

2. The case of the petitioner as set out in the statement of claim is that his services were engaged as a forest worker by the respondent in Forest Division, Sunder Nagar, District Mandi, H.P. in the year 1998. Fictional/artificial breaks were given to him by the respondent/department due to which he could not complete 240 days in any calendar year. He had worked on muster roll/bill basis. Similar situated persons, namely, Shri Khub Chand and Shri Kamal Chand, whose services were also terminated by the respondent, had approached this Court and their services have been regularized as per the directions of the Court. Neither one month notice nor retrenchment compensation had been paid to the petitioner, as per the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act’ for short). Persons junior to him, namely, S/Smt./Sh. Jai Lal, Madan Lal, Sita Devi, Ramesh Kumar and Mast Ram were retained in service by the respondent and their services have been also regularized by the department. Such act of the respondent attracts the provisions of Sections 25-G and 25-H of the Act. Hence, the petition.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability and that the petition is bad on account of delay and laches. The contents of the petition were denied on merits. It was asserted that as the petitioner had never worked with the respondent/department as a daily wager, the question of giving him fictional breaks as well as completing 240 days does not arise. Only those workers have been regularized who had completed the requisite criteria for regularization as per the Government policy. Since the petitioner had not worked with the respondent as a daily waged worker, there was no need to serve a notice upon him under Section 25-F of the Act. The petitioner is gainfully employed, being an agriculturist. Hence, it was prayed that the petition be dismissed.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 27-9-2019:

1. Whether termination of services of the petitioner during year, 2014 by the respondent is/was illegal and unjustified, as alleged? . . . *OPP*.
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . . *OPP*.
3. Whether the claim petition is not maintainable, as alleged? . . . *OPR*.
4. Whether the claim petition is bad on account of delay and laches, as alleged? . . . *OPR*.

Relief.

6. Arguments of the learned Deputy District Attorney for the respondent heard and records gone through.

7. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: Negative
Issue No. 2	: Negative
Issue No. 3	: Not pressed
Issue No. 4	: Negative
Relief	: Petition is dismissed per operative part of the Award.

### **REASONS FOR FINDINGS**

*Issues No.1 and 2 :*

8. Being interlinked and to avoid repetition, both these issues are taken up together for discussion and disposal.

9. The statement of claim has been filed by the petitioner claiming that his services were illegally and unjustifiably terminated by the respondent in the year 2014 by violating the provisions of Sections 25-F, 25-G and 25-H of the Act. It was asserted that the petitioner had been engaged on daily wage basis on muster roll as a forest worker in the year 1998. It was also his claim that he had completed 240 days in each calendar year. A plea was also taken to the effect that the respondent had not adhered to the principle of 'last come first go', as persons junior to the petitioner were retained and that fresh hands had also been engaged. It was also asserted that no opportunity was afforded to the petitioner for re- engagement. These averments were required to be established on record by the petitioner by way of ocular and/or documentary evidence.

10. However, when the case was listed for the evidence of the petitioner on 23-7-2021, neither he nor his counsel had put in appearance before this Tribunal,

despite the case being called several times since morning. Hence, despite due notice of the date of hearing, the petitioner had remained *ex-parte*.

11. It will be apt at this stage to take note of the relevant provisions of the Act. Section 2 (b) of the Act defines the Award as under:—

“(b) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under Section 10A;”.

12. Sub-Section (1) of Section 11 of the Act provides that subject to any rules that may be made in this behalf, an arbitrator, a Board, Court, Labour Court, Tribunal or National Tribunal shall follow such procedure as the arbitrator or other authority concerned may think it fit. The Central Government has framed rules called “The Industrial Disputes (Central) Rules, 1957.” Rule 10-B (9) reads thus:—

“10-B (9) In case any party defaults or fails to appear at any stage the Labour Court, Tribunal, or National Tribunal, as the case may be, may proceed with the reference *ex-parte* and decide the reference application in the absence of the defaulting party.”

13. Rule 22 reads thus:—

“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed *ex-parte*.—If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”

14. The State of Himachal Pradesh has also framed rules called “The Industrial Disputes Rules, 1974.” Rule 25 thereof reads thus:—

“Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed *ex-parte*.— If without sufficient cause being shown, any party to the proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.”

15. Rule 22 of the Industrial Disputes (Central) Rules, 1957 and Rule 25 of the Industrial Disputes Rules, 1974 authorize the adjudicating authority to proceed in the absence of a party. It creates a fiction which enables the Tribunal to presume that all the parties are present before it although, in fact, it is not true, and thus make an *ex-parte* award. This Tribunal in these circumstances has to imagine that the absentee workman is present and having done so, can give full effect to its imagination and carry it to its logical end. Under Rule 25, this Tribunal, thus, has to imagine that the workman is present, he is unwilling to adduce evidence or argue his case.

16. In the instant case, neither the petitioner nor his counsel had put in appearance before this Tribunal on 23-7-2021. In these circumstances, the Tribunal can proceed and pass *ex-parte* award on its merits.

17. Since, it is disputed by the respondent that the services of the petitioner had been engaged on daily wage basis, so firstly it was required of the petitioner to prove on record that he had been engaged by the respondent on daily waged basis and then to establish on record, as per the reference, that the termination of his services in the year 2014 by the respondent was without complying with the provisions of the Act and, thus, illegal and unjustified. Though, a statement of claim has been filed by the petitioner, but his allegations therein have remained a mere saying on record, as no evidence in support thereof has been led by him. At the risk of repetition, the petitioner had not put in appearance before this Tribunal. In this view of the matter, the petitioner is not entitled to any relief, as claimed for in the statement of claim. Hence, both these issues are decided against the petitioner and in favour of the respondent.

*Issue No. 3 :*

18. Not pressed.

*Issue No. 4 :*

19. In Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another, (1999) 6 SCC 82, it has been observed by the Hon'ble Supreme Court that:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

20. In view of the trite laid down in this ruling, it cannot be said that the petition is hit by the vice of delay and laches. Hence, this issue is decided in favour of the petitioner and against the respondent.

*Relief:*

21. In the light of what has been discussed hereinabove, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 23rd day of July, 2021

Sd/-  
(YOGESH JASWAL),  
Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.  
(Camp at Manadi)

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

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Ref No. : 285/2016

Date of Institution : 04-5-2016

Date of Decision : 26-07-2021

Shri Ghanshyam s/o Shri Tek Chand, r/o Village Bhakha, P.O. Nihari, Sunder Nagar,  
District Mandi, H.P. . *Petitioner.*

*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi,  
H.P. . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Abhishek Lakhanpal, Adv.

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether time to time termination of the services of Shri Ghanshyam s/o Shri Tek Chand, r/o Village Bhakha, P.O. Nihari, Sunder Nagar, District Mandi, H.P. during May, 2010 to June, 2014 by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner as it emerges from the statement of claim is that he was engaged as a daily waged beldar by the respondent in the year 2007. However, the mandays chart is wrongly showing his year of engagement as 2010. A number of juniors were engaged by the department after his joining the service. Despite the availability of work and funds, he was given fictional breaks from time to time. His juniors were retained and their names are mentioned in the seniority list. His name was not entered in such list. He had been sincerely doing his duties and had been working continuously. However, his services were illegally terminated orally from time to time in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act’ for short). New/fresh hands were engaged after his retrenchment. His juniors, who were retained, were later work-charged/regularized by the respondent. The principle of ‘last come first go’ had not been adhered to. Hence, the petition.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability and that the petition is bad on account of

delay and laches. The contents of the petition were denied on merits. It was asserted that daily wagers were engaged depending upon the work and availability of funds. The petitioner had worked with the respondent/department as an intermittent worker and thereafter had left the work of his own sweet will. He had been engaged in Jhungi Forest Range, Suket Forest Division in the month of May, 2010 and had worked intermittently on bill basis upto December, 2015. It is denied that his services were engaged in the year 2007. After December, 2015, the petitioner had never come to work. No fictional breaks were ever given to him by the respondent. No person junior to him was engaged. He had not completed 240 days in any calendar year to fulfill the conditions of Section 25-B of the Act. So, there was no need to serve any notice upon him under Section 25-F of the Act. The petitioner is gainfully employed, being an agriculturist. The respondent, thus, prays for the dismissal of the claim petition.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Tribunal *vide* order dated 21-6-2019:

1. Whether time to time termination of services of the petitioner during May, 2010 to June, 2014 by the respondent is/was illegal and unjustified, as alleged? . . .*OPP.*
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .*OPP.*
3. Whether the claim petition is not maintainable in the present form, as alleged? . . .*OPR.*
4. Whether the claim petition is bad on account of delay and laches, as alleged? . . .*OPR.*

Relief.

6. Thereafter, evidence was led by the parties to the lis in support of the issues so framed.

7. Arguments of the learned counsel for the petitioner and the learned Deputy District Attorney for the respondent heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1 : Yes

Issue No. 2 : Discussed

Issue No. 3 : No

Issue No. 4 : No

Relief. : Petition is partly allowed as per the operative portion of the Award.

## REASONS FOR FINDINGS

*Issues No.1 and 2 :*

9. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Ghanshyam examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim.

In the cross-examination, he denied that the work in forest department is seasonal. However, he admitted that as and when he had approached the department, he was provided with the work. Volunteered that, less days have been shown by the the department. He also admitted that from May, 2010 till the year 2015 he had worked intermittently with the department on bill basis. He denied that he was never removed from work by the department in December, 2015. He also denied that no fictional breaks were given to him by the department. Further, he denied that he had not worked for 240 days or more. He also denied that no junior to him was kept at work by the department. He specifically denied that only those workers have been regularized by the department, who had worked continuously and had fulfilled the conditions of the policies of the government for regularization. He admitted that he owns land, which he cultivates. He denied that he is making a phoney statement.

11. Conversely, Shri Subhash Chand Prashar, Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi (respondent) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

In the cross-examination, he admitted that the mandays charts of the workers are being prepared on the basis of the report of the Forest Guard. He denied that wrong mandays chart had been prepared by the department. He further denied that Ex.PW1/B4 depicts the correct working details of the petitioner. He specifically denied that the petitioner is working in the department since the year 2007-2008. He feigned ignorance that the petitioner is still working with the department on bill basis. He admitted that the name of the petitioner has not been reflected in the seniority list. He denied that the petitioner had been regularly working with the department, but he was being giving fictional breaks. He further denied that they have work throughout the year. Volunteered that, they have seasonal work. He clearly denied that fictional breaks were wrongly given to the petitioner by the department.

12. Ex. RW1/B is the copy of mandays chart relating to the petitioner.

13. As per the reference received from the appropriate Government, time to time termination of the services of the petitioner took place from May, 2010 to June, 2014. Section 10 (4) of the Act mandates that the Labour Court/Industrial Tribunal shall confine its adjudication to the points of dispute referred to it by the appropriate Government and the matters incidental thereto. No reference has been received from the appropriate Government regarding the alleged time to time termination of the services of the petitioner from the year 2007 onwards by the respondent. However, looking to the statement of claim and the sworn testimony of the petitioner, it is apparent that he has claimed that his

services were terminated from time to time by the respondent from the year 2007. Such pleadings and evidence of the petitioner cannot be looked into by this Court, being beyond the terms of the reference. So, the only dispute which remains between the parties and requires thrashing at the hands of this Court is as to whether artificial/fictional breaks in service were provided to the petitioner by the respondent from May, 2010 to June, 2014 or not?

14. The mandays chart Ex.RW1/B clarifies that the services of the petitioner were initially engaged as a daily wager in the month of May, 2010 and he is shown to have worked in the month of August, 2015 as well. This document apparently shows that the petitioner had not been regularly engaged by the respondent. Rather, he had been engaged for a limited number of days in a month. It is the admitted case of the parties that the seniority list of daily labourers of Suket Forest Division does not reflect the name of the petitioner. No plausible explanation is forthcoming from the mouth of respondent (RW1) as to why the name of the petitioner is not there in the said list. It is merely stated by him that the petitioner had not completed 240 days in a year and that he had worked on bill basis.

15. The petitioner has also placed on record his mandays chart, which is not similar to Ex.RW1/B. However, the mandays chart, copy of which is placed on record by the petitioner as Ex.PW1/B-4, cannot be looked into and taken into consideration for the simple reason that the same has merely been tendered in evidence by the petitioner and has not been duly proved on record. Then, this mandays chart has also been disputed by the respondent to be depicting the correct working details of the petitioner.

16. The defense of the respondent is that the petitioner was engaged for seasonal works, as and when available with the respondent and subject to the availability of budget. However, the respondent has not placed on the file any document evidencing that the petitioner was employed for seasonal forestry works subject to the availability of funds and work. Then, it is nowhere the plea taken by the respondent nor there is any iota of evidence on record to show that the forest department has been declared as a seasonal industry, as required under the law.

17. Now, I proceed to decide as to whether intentional breaks in service were provided to the petitioner by the respondent or not?

18. Section 25-B of the Act postulates as under:—

**“25B. Definition of continuous service- For the purposes of this Chapter,—**

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.—
  - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than.—



- 
- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
  - (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
- (i) ninety-five days, in the case of a workman employed below ground in a mine; and
  - (ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which.—

- (i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under the Act or under any other law applicable to the industrial establishment;
- (ii) he has been on leave with full wages, earned in the previous years;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and
- (iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks”.

19. The above quoted Section enjoins a duty upon the respondent/employer to provide the work for atleast 240 days in a period of twelve calendar months to the workman for the purpose of continuous service. Meaning thereby that the employer can regulate the working of an employee as per his needs, but keeping in mind the spirit of Section 25-B of the Act, an employer/respondent is duty bound to provide the work for 240 days in a period of twelve calendar months to the employee/petitioner. In Digwadih Colliery v. Workmen, AIR 1966 SC 75, it has been held that “service for 240 days in a period of 12 calendar months is equal not only to service for a year but is to be deemed continuous service even if interrupted”. The fiction of law converts service of 240 days in a period of twelve calendar months into continuous service for one complete year.

20. Be it stated that in computing the continuous service, notional breaks of service cannot be ignored. Regularization of the services of an employee will depend upon his fulfilling the criteria as laid down by the policies of the State from time to time.

21. Browsing of the mandays chart Ex.RW1/B reveals that from May, 2010 to June, 2014, the work for all the months was not made available to the petitioner by the respondent. Sometimes, he was provided the work for less than 15 days in a month by the respondent/department. Be it recorded at the risk of repetition that the respondent has

not placed on record any document to prove that the services of the petitioner used to be engaged for seasonal forestry works depending upon the availability of the budget. A plea was taken by the respondent that the petitioner had himself abandoned the work of his own free will and volition. If the petitioner used to remain absent from his duties then, why the respondent did not issue any show cause notice to him or initiate disciplinary proceedings against him? The reasons to that effect being obscure go to show that the story put forth by the respondent that the petitioner used to work as per his sweet will and convenience is incorrect. Not providing the work for 240 days in a calendar year due to no fault of the workman is nothing but unfair labour practice. The mandays chart Ex.RW1/B makes it clear that the work for 240 days or more in a calendar year was not made available to the petitioner by the respondent. That being so, it can safely be held that artificial/fictional breaks were provided to the petitioner/workman by the respondent, which amounts to unfair labour practice as per the Fifth Schedule appended to the Act. The break period is required to be counted for the purpose of continuous service as envisaged under Section 25-B of the Act.

22. While testifying in the Court as PW1, the petitioner has given his age as 37 years. It is common knowledge that a young man like the petitioner will not sit at home during the period he is/was out of service. Otherwise too, during his cross-examination, the petitioner admitted that he owns land, which he cultivates. The petitioner has failed to discharge the initial onus that during the period of his forced idleness, he is/was not gainfully employed, so he is not entitled to the back wages.

23. These issues are accordingly decided in favour of the petitioner and against the respondent.

*Issue No. 3 :*

24. It has not been shown by the respondent as to how the present petition/statement of claim is not maintainable. From the pleadings, it cannot be said that the petition/statement of claim is not maintainable. Hence, this issue is decided in favour of the petitioner and against the respondent.

*Issue No. 4 :*

25. In Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another, (1999) 6 SCC 82, it has been observed by the Hon'ble Supreme Court that:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

26. In view of the trite laid down in this ruling, it cannot be said that the petition is hit by the vice of delay and laches. Hence, this issue is decided in favour of the petitioner and against the respondent.

*Relief :*

27. As a sequel to my findings on issues above, the instant claim petition succeeds in part and the same is partly allowed. Breaks in service given to the petitioner

by the respondent from the month of May, 2010 to June, 2014 are held to be wrong and illegal. The break period is ordered to be counted for the purpose of continuous service as well as seniority of the petitioner, except for back wages. Parties to bear their own costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today this 26th day of July, 2021.

Sd/-  
(YOGESH JASWAL),  
Presiding Judge, Labour Court-cum-Industrial  
Tribunal, Kangra at Dharamshala, H.P.

ब अदालत सहायक समाहर्ता प्रथम श्रेणी एवं तहसीलदार, तहसील धर्मशाला,  
जिला कांगड़ा (हि० प्र०)

केस नं०: 268/19

ता० पेशी : 18-10-2021

सुखेंदर ठाकुर

बनाम

प्रकाश चंद, निवासी गांव भटेच्छ, डाकघर ठारु, तहसील शाहपुर, वादी पक्ष प्रतिवादीगण।

1. प्रकाश चंद, 2. तरसेम कुमार पुत्र मदन लाल, 3. माया देवी पुत्री भीम सैन, 4. लखु पुत्र दयाला, 5. चमन लाल, 6. तरलोक चंद, 7. पवन कुमार, 8. प्रवीण कुमार पुत्र व 9. संतोष कुमारी, 10. सपना देवी पुत्रियां, 11. कंचना देवी धर्मपत्नी स्व० ओमी, 12. किशन चन्द, 13. सुरेश कुमार पुत्र व, 14. सावित्री देवी, 15. विमला देवी, 16. पासो देवी, 17. कांता देवी पुत्रियां विद्या देवी, 18. भानी राम पुत्र व 19. कमला देवी, 20. सुमित्रा देवी, 21. अहल्या देवी, 22. आशा देवी, 23. कांता देवी, 24. स्वर्ण देवी पुत्रियां घौनी, 25. जस्सिया, 26. धर्मा पुत्र किरपा, 27. गुरपाल सिंह पुत्र लखविर सिंह, 28. कांगड़ा वैली स्लेट, निवासी महाल थातरी, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश।

प्रार्थी सुखेंदर ठाकुर पुत्र रणजीत सिंह पुत्र प्रताप सिंह निवासी भटेच्छ, डाकघर ठारु, तहसील शाहपुर, ने इस अदालत में भूमि खाता नं० 08, खतौनी नं० 13, ता 15, खसरा कित्ता 11, रकबा तादादी 1-43-21 है०, महाल थातरी मौजा खनियारा, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश की तकसीम करने हेतु प्रार्थना-पत्र दिया है जिसमें उपरोक्त प्रतिवादीगण को समन साधारण तरीका से तामील न हो पा रहे हैं। अतः इस अदालती इशतहार राजपत्र के माध्यम से उपरोक्त प्रतिवादीगण को सूचित किया जाता है कि वह दिनांक 18-10-2021 को सुबह 11.00 बजे इस अदालत में अदालतन या वकालतन हाजिर होंगे। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 07-09-2021 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता प्रथम श्रेणी,  
तहसील धर्मशाला, जिला कांगड़ा (हि० प्र०)।

**ब अदालत श्री जगदीश चन्द, तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी,  
थुरल, जिला कांगड़ा, हि0 प्र0**

किस्म मुकद्दमा : दुरुस्ती नाम

तारीख पेशी : 18-10-2021

श्रीमति सोनी शर्मा पुत्री श्रीमति सन्तोष कुमारी, निवासी गांव कोतवाल लाहड़, तहसील थुरल, जिला कांगड़ा (हि0 प्र0) प्रार्थिया।

बनाम

आम जनता

प्रतिवादी।

विषय.—प्रार्थना—पत्र दुरुस्ती नाम राजस्व अभिलेख महाल कोतवाल लाहड़, मौजा व तहसील थुरल, जिला कांगड़ा (हि0 प्र0)।

श्रीमति सोनी शर्मा पुत्री श्रीमति सन्तोष कुमारी, निवासी गांव कोतवाल लाहड़, तहसील थुरल, जिला कांगड़ा (हि0 प्र0) ने एक प्रार्थना—पत्र मय शपथ—पत्र पीठासीन अधिकारी के समक्ष प्रस्तुत करते हुए अनुरोध किया है कि उसका नाम पंचायत अभिलेख व अन्य दस्तावेज में सोनी शर्मा दर्ज है व उसका विख्यात व सही नाम भी सोनी शर्मा ही है परन्तु राजस्व अभिलेख महाल कोतवाल लाहड़, मौजा व तहसील थुरल में उसका नाम रीता देवी गलत दर्ज हो गया है। अतः प्रार्थिया अब अपना नाम राजस्व अभिलेख महाल कोतवाल लाहड़, मौजा व तहसील थुरल में दुरुस्ती करवा करके श्रीमति रीता देवी के बजाये रीता देवी उपनाम सोनी शर्मा पुत्री श्री जुल्फी दर्ज करवाना चाहती है। अतः प्रार्थिया का आवेदन स्वीकार करते हुए इस मुस्त्री मुन्यादी चस्पांगी व इश्तहार अखबारी के माध्यम से आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त प्रार्थिया के नाम की राजस्व अभिलेख महाल कोतवाल लाहड़, मौजा व तहसील थुरल में श्रीमति रीता देवी के बजाए रीता देवी उपनाम सोनी शर्मा पुत्री श्रीमति सन्तोष कुमारी दर्ज करवाने बारे किसी किस्म की आपत्ति या उजर हो तो वह तारीख पेशी 18-10-2021 को असातन या वकालतन हाजिर अदालत होकर अपना उजर पेश कर सकता है अन्यथा बाद तारीख पेशी किसी किस्म का उजर एवं एतराज नहीं सुना जावेगा व नाम दुरुस्ती का आदेश पारित कर दिया जाएगा।

यह इश्तहार आज दिनांक 02-09-2021 को मोहर अदालत व मेरे हस्ताक्षर से जारी हुआ।

मोहर।

जगदीश चन्द,  
तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी,  
थुरल, जिला कांगड़ा, हि0 प्र0।

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**ब अदालत श्री जगदीश चन्द तहसीलदार व कार्यकारी दण्डाधिकारी थुरल, जिला कांगड़ा, (हि0 प्र0)**

मुकद्दमा नं0 : /2021

तारीख पेशी : 18-10-2021

श्री रविन्द्र कुमार पुत्र श्री भरत सिंह, वासी गांव लाहड़, डाकघर मूण्डी, तहसील थुरल, जिला कांगड़ा (हि0 प्र0) प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम 1969 की धारा 13(3) के तहत मृत्यु पंजीकरण हेतु प्रार्थना—पत्र।

## ईशतहार व मुस्त्री मुनादी

श्री रविन्द्र कुमार पुत्र श्री भरत सिंह, वासी गांव लाहडु, डाकघर मूण्डी, तहसील थुरल, जिला कांगड़ा (हि0 प्र0) ने इस अदालत में प्रार्थना-पत्र मय ब्यान हल्फी पेश किया व आवेदन किया कि उसके पिता श्री भरत सिंह पुत्र श्री लच्छमन का देहांत दिनांक 28-02-2002 को गांव लाहडु, डाकघर मूण्डी, तहसील थुरल, जिला कांगड़ा (हि0 प्र0) में हुआ है। परन्तु अज्ञानता वश उनकी मृत्यु का पंजीकरण ग्राम पंचायत अभिलेख में दर्ज न करवाया गया है। अतः प्रार्थी इस न्यायालय के माध्यम से अपने पिता की मृत्यु का पंजीकरण करने का आदेश ग्राम पंचायत मूण्डी को जारी करवाना चाहता है।

अतः प्रार्थी का आवेदन स्वीकार करते हुए इस इशतहार, मुस्त्री मुनादी व चस्पांगी द्वारा आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति या संस्था को उपरोक्त दिवंगत श्री भरत सिंह पुत्र श्री लच्छमन की मृत्यु तिथि 28-02-2002 के पंजीकरण बारे कोई उजर एवं एतराज हो तो वह आसालतन या वकालतन तारीख पेशी 18-10-2021 को हाजिर अदालत हाकरे अपना एतराज पेश कर सकता है बाद तारीख पेशी किसी किस्म का उजर एवं एतराज नहीं सुना जावेगा व उपरोक्त श्री भरत सिंह पुत्र श्री लच्छमन की मृत्यु का पंजीकरण करने का आदेश उप-स्थानीय पंजीकार जन्म व मृत्यु ग्राम पंचायत मूण्डी को पारित कर दिया जाएगा।

ये इशतहार मेरे हस्ताक्षर व मोहर अदालत से आज दिनांक 02-09-2021 को जारी हुआ।

मोहर।

हस्ताक्षरित/—  
तहसीलदार एवम कार्यकारी दण्डाधिकारी,  
तहसील थुरल, जिला कांगड़ा (हि0 प्र0)।

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**In the Court of Sh. Vikas Shukla H.A.S., Marriage Officer-cum-Sub-Divisional Magistrate (Officiating), Kullu, District Kullu (H.P.)**

1. Saurabh aged 29 years s/o Sh. Rakesh Kumar Sood, r/o Ambika Niwas, Behind Shojagarh Shwals, Shamshi, P.O. Shamshi, Tehsil Bhunter, Distt. Kullu (H.P.).
2. Deepti Thakur aged 29 years d/o Sh. Mohan Singh Thakur, r/o Thakur Bhawan, Opposite Hotel Pine Cone Taradevi, Shimla Urgag (T), Distt. Shimla (H.P.).

*Versus*

General Public

*Subject.—Proclamation for the registration of marriage under section 11 of Special Marriage Act, 1954.*

Saurabh and Deepti Thakur have filed an application alongwith affidavits in the court of undersigned under section 11 of Special Marriage Act, 1954 that presently they are unmarried and they went to get their marriage registered under the Act *ibid*.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or writing before this court on or before 13-10-2021. The objection received after 13-10-2021 will not be entertained and marriage will be registered accordingly.

Issued today on 13-09-2021 under my hand and seal of the court.

Seal.

Sd/-  
(VIKAS SHUKLA, HAS),  
Marriage Officer-cum-Sub-Divisional Magistrate,  
Kullu, District Kullu (H.P.).

**In the Court of Executive Magistrate, Anni, District Kullu (H.P.)**

Pushpa Devi

. . Applicant.

Versus

General Public

. . Respondent.

*Subject.—Notice under section 37 of Land Revenue Act, 1954 Correction of name in Revenue Record.*

Smt. Pushpa Devi d/o Sh. Hem Raj, resident of Village & P.O. Showad, Tehsil Anni, District Kullu, H.P. has moved an application for correction of his name in revenue record in the office of the undersigned accompanying with an affidavit stating therein is owner of the land in Shilli Phati of Tehsil Anni, District Kullu. In the application, the applicant has prayed that the entry in revenue record with respect to name is not correct *i.e.* Surendra Devi d/o Sh. Hem Raj. The applicant has attached Copy of Aadhar Card, Parivar Register alongwith an affidavit wherein the name of the applicant's Name has been shown as Pushpa Devi d/o Sh. Hem Raj.

Hence, the general public is hereby made aware through this notice that if any person or relatives have any objection regarding corection of name in revenue record of said applicant Smt. Pushpa Devi d/o Sh. Hem Raj instead of Surendra Devi d/o Sh. Hem Raj then he may file his objection before the undersigned before 15-10-2021 on any working day failing which the *ex-parte* order with regards to correction of name will be passed.

Given under my seal and signature on this 14th of September, 2021.

Seal.

Sd/-  
Executive Magistrate,  
Anni, District Kullu (H.P.).

ब अदालत श्री राम दयाल, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,  
जिला कुल्लू (हि0 प्र0)

केस नं0 : 49/DE/NT/2021

श्री दविन्दर सिंह

बनाम

## आम जनता

विषय.—प्रार्थना-पत्र अधिनियम धारा 13 (3) जन्म एवं मृत्यु पंजीकरण, अधिनियम 1969 बारे।

श्री दविन्दर सिंह पुत्र श्री नीरत सिंह, निवासी गांव बाशिंग, डाकघर बवेली, तहसील व जिला कुल्लू, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र मय समथ पत्र प्रस्तुत किया है कि दरूमतू देवी की मृत्यु दिनांक 15-05-1995 को हुई है परन्तु उसकी मृत्यु तिथि का इन्द्राज किसी कारणवश ग्राम पंचायत बाशिंग के अभिलेख में दर्ज न की गई है।

अतः इस इशतहार हजा द्वारा सर्वसाधारण व सम्बन्धीगणों को सूचित किया जाता है कि यदि किसी व्यक्ति विशेष को दरूमतू देवी की मृत्यु तिथि दर्ज करवाने बारे में कोई आपत्ति हो तो वह दिनांक 14-10-2021 को सुबह 10.00 बजे या इससे पूर्व असालतन व वकालतन हाजिर अदालत आकर अपना उजर व एतराज दर्ज करवा सकता है इसके उपरान्त कोई भी उजर/एतराज समायत न होगा तथा नियमानुसार मृत्यु तिथि दर्ज करवाने के आदेश संबन्धित ग्राम पंचायत को पारित कर दिए जायेंगे।

आज दिनांक 15-09-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

राम दयाल,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
कुल्लू जिला कुल्लू (हि0 प्र0)।

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**ब अदालत कार्यकारी दण्डाधिकारी, बन्जार, जिला कुल्लू (हि0प्र0)**

मुकद्दमा नं0 : 18-टी0/2021

तारीख : 15-10-2021

1. श्री यज्ञा चन्द पुत्र श्री वेली राम, निवासी गांव फागुधार, डाकघर चेथर, तहसील बन्जार, जिला कुल्लू (हि0प्र0)।

2. श्रीमती झाणू देवी पुत्री श्री लालू राम, निवासी गांव हैचली, डाकघर शिवाथाना, तहसील बन्जार, जिला कुल्लू (हि0प्र0) प्रार्थीगण।

बनाम

आम जनता

प्रार्थना-पत्र हिमाचल प्रदेश विवाह रजिस्ट्रीकरण अधिनियम, 2004 धारा 4(2) के तहत प्रार्थीगण ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फिया इस आशय से गुजारा है कि प्रार्थीगण ने दिनांक 05-08-2009 को अपनी शादी हसव रिवाज मुल्क व कौम के आपस में कर ली है। जो कि गलती से ग्राम पंचायत शिकारीघाट, तहसील बन्जार, जिला कुल्लू के अभीलेख में दर्ज नहीं करवा सके हैं और अब वे अपनी शादी का इन्द्राज ग्राम पंचायत शिकारीघाट के अभिलेख में करवाना चाहते हैं।

इस सम्बन्ध में सर्वसाधारण को सूचित किया जाता है कि प्रार्थीगण श्री यज्ञा चन्द पुत्र श्री वेली राम व श्रीमती झाणू देवी पुत्री श्री लालू राम की शादी का इन्द्राज ग्राम पंचायत शिकारीघाट के अभिलेख में दर्ज करने में यदि किसी को कोई आपत्ती हो तो वह दिनांक 15-10-2021 तक असालतन या वकालतन अदालत हजा में आकर अपनी आपत्ती दर्ज करें। बाद गुजरने तारीख किसी भी प्रकार का एतराज मान्य न होगा तथा एक तरफा कार्यवाही अमल में लाई जाकर हि0 प्र0 विवाह रजिस्ट्रीकरण अधिनियम, 2004 धारा 4(2) के तहत शादी की तिथि 05-08-2009 इन्द्राज करने के आदेश पारित किए जायेंगे।

आज दिनांक 14-09-2021 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
बन्जार, जिला कुल्लू (हि0 प्र0)।

ब अदालत सहायक समाहर्ता प्रथम श्रेणी, बन्जार, जिला कुल्लू (हि0 प्र0)

मुकद्दमा नं0 : 02-टी0/2021

तारीख पेशी : 05-10-2021

1. श्री नरेन्द्र सिंह पुत्र श्री शेर सिंह, गांव नगलाडी, फाटी व कोठी शरची, तहसील बन्जार, जिला कुल्लू (हि0 प्र0)। प्रार्थी।

बनाम

आम जनता

प्रत्यार्थी।

किस्म मुकद्दमा.—राजस्व रिकार्ड में नाम दुरुस्त करने बारे।

उपरोक्त मामले में प्रार्थी श्री नरेन्द्र सिंह ने बमय शपथ-पत्र इस कार्यालय/न्यायालय में प्रार्थना-पत्र इस आशय से गुजारा है कि प्रार्थी का नाम राजस्व रिकार्ड में वरिन्दर सिंह लिखा गया है, जो कि गलत है। जबकि प्रार्थी का नाम नरेन्द्र सिंह है जो कि सही है। इसे दुरुस्त करवाना चाहता है।

इस सम्बन्ध में इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को प्रार्थी का नाम राजस्व रिकार्ड में वरिन्दर सिंह के स्थान पर नरेन्द्र सिंह करने बारे कोई आपत्ति हो तो वह दिनांक 19-10-2021 तक असालतन व वकालतन अदालत हजा में आकर अपनी आपत्ति दर्ज करें। तारीख गुजरने के बाद किसी भी प्रकार का एतराज मान्य न होगा तथा एकतरफा कार्यवाही अमल में लाई जाकर दुरुस्ती के आदेश पारित किए जाएंगे।

आज दिनांक 17-09-2021 को मेरे हस्ताक्षर व कार्यालय मोहर द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता प्रथम श्रेणी,  
बन्जार, जिला कुल्लू (हि0 प्र0)।

ब अदालत सहायक समाहर्ता प्रथम श्रेणी, निरमण्ड, जिला कुल्लू (हि0 प्र0)

तेज राम पुत्र व श्रीमती मुंगली देवी, पत्नी स्व0 श्री सुधू निवासी ठारला, फाटी चायल, तहसील निरमण्ड, जिला कुल्लू (हि0 प्र0)।

बनाम

आम जनता

विषय.—हुकमन तकसीम नन्त राम उर्फ नन्तू बनाम फागणू बगैरा बारे इशतहार।



उपरेक्त हुकमन तकसीम की मिसल नन्त राम उर्फ नन्तू ने इस न्यायालय में प्रस्तुत की है। जिसमें तेज राम पुत्र व श्रीमती मुंगली देवी पत्नी स्व० श्री सुधू, निवासी ठारला, डा० जाओ का वर्तमान सही पता मालूम न होने के कारण तकसीम में आगामी कार्यवाही करने में विलम्ब हो रहा है।

अतः तेज राम पुत्र व श्रीमती मुंगली देवी को इस इशतहार के माध्यम से सूचित किया जाता है कि वह उक्त तकसीम के सन्दर्भ में अपना पक्ष प्रस्तुत करने के लिए दिनांक 22-10-2021 को अधोहस्ताक्षरी के कार्यालय में असालतन या वकालतन उपस्थित हों अन्यथा नियमानुसार आगामी कार्यवाही अमल में लाई जावेगी।

आज दिनांक ..... को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता प्रथम श्रेणी,  
तहसील निरमण्ड, जिला कुल्लू (हि० प्र०)।

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**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,  
District Mandi, H. P.**

In the matter of :—

1. Sh. Hitanshu Sharma s/o Sh. Prem Chand Sharma, r/o H. No. 336/4/3, Jail Road Mandi, Tehsil Sadar, District Mandi, H.P.

2. Smt. Isha Sharma d/o Sh. Khem Chand Sharma, V.P.O. Gaggal, Tehsil Balh, District Mandi H.P. . . Applicants.

*Versus*

General Public

**Subject.**—Application for the registration of Marriage under Section 15 of Special Marriage Act, 1954.

Sh. Hitanshu Sharma s/o Sh. Prem Chand Sharma, r/o H. No. 336/4/3, Jail Road Mandi, Tehsil Sadar, District Mandi, H.P. and Smt. Isha Sharma d/o Sh. Khem Chand Sharma, V.P.O. Gaggal Tehsil Balh, District Mandi H.P. (at present wife of Sh. Hitanshu Sharma s/o Sh. Prem Chand Sharma, r/o H. No. 336/4/3, Jail Road Mandi, Tehsil Sadar, District Mandi, H.P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 11-08-2021 according to Hindu rites and customs at their respective houses Mandi, Distt. Mandi and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 20-10-2021 after that no objection will be entertained and marriage will be registered.

Issued today on 21st day of September, 2021 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,  
Sadar, District Mandi (H.P.).*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,  
District Mandi, H. P.**

In the matter of :—

1. Sh. Anil Kumar s/o Sh. Kashmir Singh, Vill. Kash, P.O. Gehra, Tehsil Sarkaghat, District Mandi, H.P.

2. Smt. Avriti Chauhan d/o Sh. Pratap Singh, Vill. Mandhokher, P.O. Kot, Tehsil Kotli, District Mandi H.P.

*Versus*

General Public

*Subject.*—Application for the registration of Marriage under Section 15 of Special Marriage Act, 1954.

Sh. Anil Kumar s/o Sh. Kashmir Singh, Vill. Kash, P.O. Gehra, Tehsil Sarkaghat, District Mandi, H.P. and Smt. Avriti Chauhan d/o Sh. Pratap Singh, Vill. Mandhokher, P.O. Kot, Tehsil Kotli, District Mandi H.P. (at present wife of Sh. Anil Kumar s/o Sh. Kashmir Singh, Vill. Kash, P.O. Gehra, Tehsil Sarkaghat, District Mandi, H.P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 27-04-2021 according to Hindu rites and customs at their respective houses Mandi, Distt. Mandi and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 20-10-2021 after that no objection will be entertained and marriage will be registered.

Issued today on 21st day of September, 2021 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,  
Sadar, District Mandi (H.P.).*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,  
District Mandi, H. P.**

In the matter of :—

1. Sh. Nitesh Kumar s/o Sh. Rajesh Kumar, r/o H. No. 404/1/5 Ganpati Road Palace-2, Near Zonal Hospital, P.O. Mandi, Tehsil Sadar, Distt Mandi, H.P.

2. Smt. Sandya Sharma d/o Sh. Kishan Chand, Vill. Kunsot, P.O. Jachh, Tehsil Chachyot, District Mandi H.P. . . Applicants.

*Versus*

General Public

*Subject.*—Application for the registration of Marriage under Section 15 of Special Marriage Act, 1954.

Sh. Nitesh Kumar s/o Sh. Rajesh Kumar, r/o H. No. 404/1/5 Ganpati Road Palace-2, Near Zonal Hospital, P.O. Mandi, Tehsil Sadar, Distt Mandi, H.P. and Smt. Sandya Sharma d/o Sh. Kishan Chand, Vill. Kunsot, P.O. Jachh, Tehsil Chachyot, District Mandi H.P. (at present wife of Sh. Nitesh Kumar s/o Sh. Rajesh Kumar, r/o H. No. 404/1/5 Ganpati Road Palace-2, Near Zonal Hospital, P.O. Mandi, Tehsil Sadar, Distt Mandi, H.P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 30-04-2021 according to Hindu rites and customs at their respective houses Mandi, Distt. Mandi and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 20-10-2021 after that no objection will be entertained and marriage will be registered.

Issued today on 21st day of September, 2021 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,  
Sadar, District Mandi (H.P.).*

ब अदालत डॉ० गणेश ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार, तहसील सदर,  
जिला मण्डी (हि० प्र०)

मिसल नं० : 71/2021

तारीख मजरूआ : 20-09-2021

तारीख पेशी : 20-12-2021

श्रीमति लता कुमारी पत्नी श्री मनीष वालिया, निवासी गांव मलवाणा, डाकघर टिक्कर, तहसील बल्ह,  
जिला मण्डी, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना—पत्र नाम दुरुस्ती बारे।

श्रीमति लता कुमारी पत्नी श्री मनीष वालिया, निवासी गांव मलवाणा, डाकघर टिक्कर, तहसील बल्ह,  
जिला मण्डी, हिमाचल प्रदेश ने इस अदालत में प्रार्थना—पत्र पेश किया है कि मेरी पुत्री उर्वशी वालिया का  
जन्म 24-09-2013 को जोनल अस्पताल मण्डी में हुआ था। पुत्री के जन्म प्रमाण—पत्र नगर परिषद् हाल नगर

निगम आयुक्त मण्डी में मेरे पति का नाम मनीष कुमार लिखा गया है जोकि गलत है। अतः मेरे पति के आधार कार्ड व परिवार रजिस्टर में मनीष वालिया है जो सही है। इस प्रकार प्रार्थिनी को कई असुविधाओं का सामना करना पड़ रहा है यह कि यह दोनों नामों का एक ही आदमी है। अतः नगर परिषद् हाल नगर निगम आयुक्त मण्डी में मेरे पति का नाम मनीष वालिया दर्ज करने के आदेश दिए जायें। अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई एतराज हो तो वह दिनांक 20-12-2021 को असालतन या वकालतन प्रातः 11.00 बजे हाजिर होकर अपना एतराज लिखित या मौखिक पेश कर सकता है अन्यथा उर्वशी वालिया के जन्म प्रमाण-पत्र नगर परिषद् हाल नगर निगम आयुक्त मण्डी में मनीष कुमार का जगह मनीष वालिया दर्ज करने के आदेश पारित कर दिये जायेंगे। निर्धारित अवधि के पश्चात् किसी आपत्ति पर विचार नहीं किया जायेगा।

मोहर।

डॉ० गणेश ठाकुर,  
कार्यकारी दण्डाधिकारी एवम् तहसीलदार,  
तहसील सदर, जिला मण्डी (हि० प्र०)।

#### ब अदालत कार्यकारी दण्डाधिकारी, अम्ब, जिला ऊना (हि० प्र०)

श्री सुशान्त शर्मा पुत्र श्री रविन्द्र कुमार, वासी गांव लोहारा, उप-तहसील भरवाई, तहसील अम्ब, जिला ऊना (हि० प्र०)।

बनाम

आम जनता

विषय.—शादी पंजीकरण प्रमाण-पत्र जारी करने बारे।

श्री सुशान्त शर्मा पुत्र श्री रविन्द्र कुमार, वासी गांव लोहारा, उप-तहसील भरवाई, तहसील अम्ब, जिला ऊना (हि० प्र०) ने एक दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी श्रीमती हिमानी शर्मा पुत्री श्री प्रेम सागर शर्मा, वासी बी-30/144 शमा मिल, सोफाबड़ी गेट पटियाला में दिनांक 08-12-2019 को मुताबिक रीति-रिवाज हिन्दू हुई है का पंजीकरण किया जाकर उसे शादी प्रमाण-पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण बारे कोई एतराज/आपत्ति हो तो वह दिनांक 14-10-2021 को प्रातः 10.00 बजे या उससे पहले असालतन या वकालतन हाजिर अदालत होकर अपनी स्थिति/एतराज प्रस्तुत कर सकता है। निश्चित तिथि पर कोई एतराज प्राप्त न होने की सूरत में प्रार्थी को शादी का पंजीकरण प्रमाण-पत्र जारी कर दिया जायेगा अतः बाद में कोई उजर काबिले समायत न होगा।

आज दिनांक 14-09-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ है।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
अम्ब, जिला ऊना (हि० प्र०)।

**ब अदालत कार्यकारी दण्डाधिकारी, अम्ब, जिला ऊना (हि0 प्र0)**

श्री नीरज कुमार पुत्र श्री सुरेश कुमार, वासी गांव भैरा, तहसील अम्ब, जिला ऊना (हि0 प्र0)।

बनाम

आम जनता

विषय.—शादी पंजीकरण प्रमाण—पत्र जारी करने बारे।

श्री नीरज कुमार पुत्र श्री सुरेश कुमार, वासी गांव भैरा, तहसील अम्ब, जिला ऊना (हि0 प्र0) ने एक दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी श्रीमती गुरदीप कौर पुत्री श्री कुलदीप सिंह, वासी Community Center, Sector 18-D, Chandigarh में दिनांक 16-02-2021 को मुताबिक रीति-रिवाज हिन्दू हुई है का पंजीकरण किया जाकर उसे शादी प्रमाण—पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण बारे कोई एतराज/आपत्ति हो तो वह दिनांक 14-10-2021 को प्रातः 10.00 बजे या उससे पहले असालतन या वकालतन हाजिर अदालत होकर अपनी स्थिति/एतराज प्रस्तुत कर सकता है। निश्चित तिथि पर कोई एतराज प्राप्त न होने की सूरत में प्रार्थी को शादी का पंजीकरण प्रमाण—पत्र जारी कर दिया जायेगा अतः बाद में कोई उजर काबिले समायत न होगा।

आज दिनांक 14-09-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ है।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
अम्ब, जिला ऊना (हि0 प्र0)।

